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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Bruce Hargrave, vice president of development for the United Methodist Theological Seminary, Moscow, Russia.

The guest Chaplain offered the following prayer:

Let us pray.

O God, You are the eternal sovereign of all the world and yet personal. Help our Senators to be aware of Your presence and strength. Touch them with Your Spirit and grant each of them divine wisdom.

Our country and world are beset with problems and crises and war. We acknowledge that we are not smart enough, wise enough, or even courageous enough to meet these daily challenges. We need Your direction and grace. Bestow these on each of us bountifully and abundantly.

We now yield ourselves to Your will in order that we as individuals and as a body may fulfill Your plan for each of us, our Nation, and our world.

We pray all of this in the name of Jesus Christ. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 16, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the small business jobs bill. Under an agreement we reached yesterday, Senator GRASSLEY and Senator HATCH will offer their respective motions to suspend the rules. Senators BAUCUS, GRASSLEY, and HATCH will control 15 minutes each, for a total of 45 minutes. At 10:45 a.m., we will vote on those motions to suspend in the order in which they are offered. Following the votes, the time until 12 noon will be equally divided and controlled between the two leaders or their designees. At noon, the Senate will proceed to vote on the motion to invoke cloture on H.R. 5297, the small business jobs bill, as amended. If cloture is invoked, all postcloture debate time will be yielded back and we will proceed to vote on passage of the bill.

The next item for business will be the Department of Defense authorization bill. I wish to reach an agreement to proceed to the measure. It appears that will be unlikely and, therefore, I may need to file cloture to attempt to end debate on the motion so we can begin the amendment process.

### MEASURES PLACED ON THE CALENDAR—S. 3790 AND S. 3791

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The bill clerk read as follows:

A bill (S. 3790) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

A bill (S. 3791) to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

Mr. REID. Mr. President, I object to any further proceedings on these two matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### FOOD SAFETY

Mr. REID. Mr. President, we have worked for this entire Congress on food safety. I have had a number of people from Nevada—about a dozen people—who have talked about their foodborne illnesses, children whose growth is stunted their entire life. One young woman spent 11 months in the hospital as a result of eating tainted spinach. All over America this is happening.

We have food safety laws that are inadequate and causing people to get sick because the food is not checked closely enough. Senators DURBIN, HARKIN, chairman of the committee, and ENZI have worked hard to get something done. I have talked with Senator MCCONNELL. He thinks something should be done. We thought we finally had it worked out. We could take care of this, but Senator COBURN has said no. He wants it paid for a different way. We spent a whole Congress on this legislation. Of course, at the last minute, he comes in, and likely we are

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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not going to be able to get this done before we go home for the elections.

What a sad thing for our country. People are dying as a result of these problems with food. It is a shame we cannot get this done. We have almost 400 matters that have passed the House of Representatives, and we cannot deal with them here because the Republicans say no. That is not the way to do business. In years past, these things would have gone through very easily.

We should be concerned about something as important as this issue, and the focus should be—and deserves to be—on the person who is holding up this legislation. It is too bad. There are all kinds of excuses, but excuses do not do the trick. People have come to see me who have been deathly ill. All that could have been avoided. The legislation would do that. It is bipartisan in nature. It should be completed.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) modified amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) modified amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, Theodore Roosevelt once said:

Far and away the best prize that life offers is the chance to work hard at work worth doing.

Americans prize hard work. We value a day's pay earned at honest labor, and that is one reason the great recession that started in 2008 has been particularly hard on Americans. The great recession robbed 8 million Americans of one of the best prizes that life offers—their work.

That is why for 2 years now we have been working hard to create jobs. We worked to create jobs by passing the Recovery Act at the beginning of last year. The nonpartisan Congressional Budget Office says that the Recovery Act “increased the number of full-time equivalent jobs by 2 million to 4.8 million compared with what would have occurred.”

We worked to create jobs by passing the HIRE Act in March of this year. The Treasury Department found “an estimated 4.5 million workers who have been unemployed for 8 weeks or longer were hired by employers who are eligible for the HIRE Act payroll tax exemption.”

We have been working to create jobs with this small business bill before us. We have been working to pass this bill since June. That is right, since June. Here it is September. Finally we are going to get this bill passed—I hope.

The economists tell us that this small business jobs bill could help small businesses create as many as half a million new jobs.

This small business jobs bill would provide small businesses with access to capital. It would create incentives for investment. It would support innovation and entrepreneurship. This small business jobs bill would give small businesses \$12 billion in tax cuts. It would increase small business lending. It would help small business owners get private capital to finance expansion and hire new workers. It would reward entrepreneurs for investing in new small businesses. It would help Main Street businesses compete with big companies. All these things would help small businesses to create as many as half a million more jobs.

The Joint Committee on Taxation has prepared a technical explanation of the bill which expresses the Finance Committee's legislative intent behind the tax provisions. It is available on the Joint Committee's Web site.

This small business jobs bill has been hard work. For something this common sense, it has been harder work than we thought it would be. Some folks on the other side of the aisle have thrown obstacles in the way. Some have thrown in our way pretty much everything but the kitchen sink. Today they are throwing the kitchen sink in our way as well.

Today, before we can vote on this targeted small business jobs bill, some on the other side have resorted to the last refuge of delay. They are proposing motions to suspend the rules of the Senate. They are throwing two more votes in the way.

But in case anyone is taking these last-minute antics at face value, let me set the record straight. These motions to suspend the rules are not serious legislating. These motions are not the way the Senate enacts law. We do not enact law by suspending the rules.

Rather, these motions are the way that folks score points. These motions are the way folks try to embarrass

other people. These motions, quite frankly, are stunts.

If you take them at face value, these motions address two tax provisions that expired at the end of last year. They are two examples of what folks around here call tax extenders.

Here is the irony: We have been trying to extend these and other expiring tax provisions for months. Yes, literally for months. We took up the extenders bill in March, and we have been trying again and again to pass a package of all the expiring provisions pretty much all year since then.

To make it entirely clear, I will try again today. Before the vote on the motions to suspend the rules, I will ask unanimous consent to take up and pass the full set of expiring provisions. In a few minutes, I will ask unanimous consent to take up and pass a paid-for, responsible set of expiring provisions. One way or another, Congress will address these expiring provisions. We always do. We will do so again this year.

But no one should be misled. These motions to suspend the rules today are not serious legislating. They are merely two more in a series of delays thrown up in front of this bill. We should reject these delaying tactics. We should get on with passing this bill to create small business jobs.

Creating jobs is what people sent us here to do, and now is the time to do it.

Thanks to Tuesday's vote, we are finally bringing this debate to a close. It is certainly time. It is time to get this work done. It is time to help small businesses. It is time to help create up to half a million new jobs. This bill has been hard work, but this bill is worth doing. So let's bring this debate to a close. Let's reject the transparent efforts to delay some have thrown in the way, and let's target this targeted tax relief to small businesses today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, sometime today the majority leader will file cloture on the motion to proceed to the Defense authorization bill, setting up a vote for next week on this important legislation. Under ordinary circumstances, this would be a straightforward, noncontroversial vote that could unite the two parties on a matter related to our common defense. But not this year.

This year, Democrats would rather use this bill to manufacture controversy. Worse still, in their determination to meet their own campaign promises ahead of the upcoming election, Democrats have decided to put their own political interests ahead of

the collective judgment of our military service chiefs who are still in the midst of a study about whether don't ask, don't tell can be repealed without hurting combat readiness. But this should not surprise anyone. For nearly 2 years now, Democrats have done their own thing. Americans have been asking Democrats for nearly 2 years to focus on the economy and jobs, and what they have gotten instead is one costly government-driven job after another that kills jobs and hurts the economy.

When it comes to matters of national defense, Democrats in Washington have established a clear pattern of making political decisions first and then analyzing the problem later. Whether it was the decision to close Gitmo before figuring out what to do with the terrorists who were housed there, to deny our intelligence community the ability to interrogate terrorists, an artificial timeline for withdrawal in Afghanistan or this latest decision to use a Defense authorization bill to move ahead with repeal of don't ask, don't tell before hearing back from the service chiefs, Democrats have shot first and asked questions later. In other words, they put their own ideological goals ahead of everything else.

I remind my colleagues we are fighting two wars and that our volunteer force doesn't ask for much. They ask that they be well trained, well equipped, that their families be cared for, and that we meet their selfless sacrifice with dignity and respect. This bill should be an easy one. We should be united and give our troops a responsible defense policy they need and then the Defense appropriations bill they need—without strings, without games, and save the politics for the campaign trail.

Another bill the Democrats have made needlessly political is the small business bill which we will also be voting on later today. Senator HATCH has offered an amendment that would fully extend the R&D tax credit, an amendment the Democrats blocked just before the August recess but which the President now appears to support. We will also have a chance to extend the biodiesel tax credit through the Grassley amendment. This amendment is essential to keeping producers competitive, but because of the majority's partisan tactics this credit has expired.

It is my hope our friends on the other side will now join the President and the Republicans in supporting these two important pieces of job-creating legislation. Unfortunately, the Democrats whole game plan over the last year and a half and through today is to tick as many items as possible off the liberal wish list while they still have a chance.

The American people think our friends on the other side should have spent a little more time worrying about 10 percent unemployment rather than legislative sideshows. If Senate Democrats truly want to do something for the private sector jobs in this coun-

try, they should support the bipartisan R&D tax credit of Senator HATCH and the biodiesel tax credit of Senator GRASSLEY and then work with Republicans after that on preventing the looming \$1 trillion tax hike Democratic leaders have so far ignored.

It is time our friends on the other side got serious about jobs and the economy. It is time they put the liberal wish list on the shelf and focused on the priorities of the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we have a tax bill before us that is supposed to help small business because small business creates 70 percent of the new jobs. The President says that. I think we have to look at the background of the high unemployment rate, particularly why it is staying up there—maybe not why it got up there but why it is still there.

I spoke last night about a lot of uncertainty that comes because of the cap-and-trade bill, the bank regulatory reform bill, the health care reform bill, the biggest tax increase in the history of the country coming up this fall if we do not intervene and prevent the biggest tax increase, and a lot of other issues out there that tell us how uncertain it is, what Congress is going to do. That uncertainty keeps the entrepreneurs of America from opening up and creating jobs.

If you want to quantify how they are tight-fisted about the situation right now, the last figure I saw was about \$2.1 trillion in cash in the treasuries of major corporations of America. They are not making any money by storing that cash, but they do not know what sort of a future this Congress is going to give them, so they are very guarded on any moves they make. Then we have things such as shutting down all the oil drilling—unemploying tens of thousands of people. Then what I am going to visit with you about is the fact we did not pass the biodiesel tax credit December 31 last year when it sunset and that industry is shut down and 20,000 jobs have been lost. It is ironic to me that we spent weeks on a bill that is before the Senate, as legitimate as it is, to create jobs in small business, when, frankly, there are a lot of negative things going on in the Congress of the United States that cause people to be laid off or, because of uncertainty, not to be hired back. I wish to speak about the biodiesel industry.

As we are faced today with a 9.6-percent unemployment rate, I have a solution that will create 20,000 jobs almost overnight. That solution is to extend

the biodiesel tax credit today. This tax credit expired December 31, 2009. This democratically controlled Congress has failed to extend it, even though, on several occasions, I and other Members on this side of the aisle have taken action in that direction.

The Democratic leadership claims, as the President does, that they want more green jobs—and I am in favor of that. I am the author of the Wind Energy Tax Credit, as an example. I have been a backer of ethanol. I have been a backer of biomass and this biodiesel tax credit. So there are plenty of opportunities to show that we, on this side of the aisle, support the President wanting to create green jobs. If the President and the Democratic leadership want to do that, they have not acted to prevent the loss of green jobs in the biodiesel industry.

The biodiesel industry has lost tens of thousands of jobs as a result of this neglect. It would be nice if the Democratic leadership's rhetoric met with reality.

I have twice sought to have the biodiesel tax credit simply passed through the Senate by unanimous consent. However, both times my request was objected to by those on the other side of the aisle. Meanwhile, these biodiesel plants in Iowa and throughout the country continue to lay off workers. In fact, most of them are just plain shut down because the democratically controlled Congress has not extended the biodiesel tax credit.

I made a speech similar to this in December, when we were on the health care reform bill. I said: Can't we find some time to pass these tax extenders so we do not let them lapse—and all these question marks. That was 8 months ago, 9 months ago. But somehow we thought last December, since Congress had not been in session on Christmas Eve since 1895, we ought to be in session once in 115 years—or because we just had to pass this health care reform bill before the end of the year because it takes effect by 2014, we couldn't find a little bit of time to keep 22,000 people employed in the biodiesel industry. So we asked for those consents and we did not get them. These workers are laid off because the democratically controlled Congress has not extended this tax credit.

This is a simple and noncontroversial tax extension that will likely reinstate 20,000 more jobs nationwide and at least 2,000 within my State of Iowa. By the way, this is not controversial, and there are 71 other tax provisions that expired December 31, 2009, and I don't know that any of those are controversial. So the biodiesel industry has lost its jobs. These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage in an attempt to advance political objectives.

Just last February I worked out a bipartisan compromise on tax extenders—all of them—with Chairman BAUCUS to extend the expired tax provisions, including biodiesel.

However, the Senate Democratic leadership decided to put partisanship ahead of the job security for tens of thousands of biodiesel workers by destroying the compromise to which Chairman BAUCUS and I agreed. So I am here again to try to put tens of thousands of people back to work producing clean and renewable fuel that everybody in this Congress says they support, and the green jobs from these productions.

There is a difference between a biodiesel tax credit and the other tax provisions in the tax extender bill that has stalled in the Senate. The failure to extend the biodiesel tax credit before it expired has ground the industry to a halt because biodiesel is now more expensive than gasoline. Gasoline stations, knowing they cannot sell biodiesel, do not buy it, and biodiesel producers have, therefore, stopped producing biodiesel because they have nobody to sell it to. Consequently, the layoffs.

While the other tax provisions are important, most are not as time sensitive as biodiesel because they are not transactional tax incentives like the biodiesel tax credit but, instead, are based on a taxable year. Unfortunately, now it is clear the larger extenders bill has stalled for the time being. We need to pass the biodiesel tax credit separately.

The last time I sought unanimous consent, which was the second time I did it, one of my colleagues on the other side of the aisle objected. The objection said something like, the biodiesel tax credit was part of a larger extenders bill they were working on.

Now that the tax extenders bill is stalled, the Senate needs to pass the biodiesel tax credit by itself. I ask my colleagues to vote yes to waive the rules and put 20,000 biodiesel workers back to work.

I move to suspend rule XXII, paragraph 2, for the purposes of proposing and considering amendment No. 4433, which is at the desk. Having said my part, I think before Senator HATCH speaks—he will speak about a very popular tax extender that needs to be extended and on which I do not know that there is one single disagreement. It is a noncontroversial provision but has still been languishing here for the last 9 months, and losing jobs as a result of it, at the very same time we are trying to create jobs through a bill that is before the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I thank my colleague from Iowa. I appreciate his leadership on the Finance Committee and the good work he has done over all of these years.

Mr. President, in accordance with rule V of the Standing Rules of the

Senate, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following motion to commit, which is at the desk with instructions to H.R. 5297. I move to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the research tax credit.

This motion is a simple one. It is a motion to suspend the rules to allow for the consideration of the motion to commit the bill before us to the Finance Committee, from which both Senator GRASSLEY and I sit, with the specific instruction to add to the bill a permanent research tax credit.

It is a simple motion, but I believe it is a significant moment. The American people understand that there is a desperate need for jobs and growth, and they have heard that Washington is partisan, broken, and unable to respond to their genuine needs. Just last week they heard that President Obama proposed a permanent research credit as an additional step “to grow the economy and help businesses spur hiring.”

Well, we can address all three with my simple motion: Make the research credit permanent, do it in a bipartisan spirit, and give job creation the jump start it badly needs. It seems like a pretty good idea to me, but the track record so far is very disappointing. Making the credit permanent is exactly what Senator BAUCUS, the distinguished chairman of the Finance Committee, and I proposed to do in the bill we introduced last year.

We have been introducing this same idea for many years now. Yet the Senate does not seem to be able to do anything more than extend the credit on a very temporary basis. In recent weeks, I have been trying to add a research credit extension to the small business lending bill that is before us today. Unfortunately, my efforts have been in vain because the leader has filled the amendment tree, and I have not had the opportunity to offer such an amendment to this bill.

Frankly, the way this Senate has been run, there has been very much to criticize. This is supposed to be the most important deliberative body in the world. Yet almost every bill that has any controversy to it at all, they bring it to the floor, fill up the tree, forbid the minority to have any chance to have any amendments, and in the process stultify the legislation.

It is easy to see why adding a research tax credit incentive to this bill is a high priority. Obviously, President Obama thinks it should have a high priority. He was very specific last week in making it clear that this is a step we should take to grow the economy and to help businesses spur hiring, bringing people onboard to work. Here we have a small business tax bill that has been proposed by the majority party. Yet it does not include a very important provision that has long en-

joyed bipartisan support by most Members of the Senate. Now we have the President of the United States specifically calling for this provision to be enacted to grow the economy and help businesses spur hiring, for which I give him great credit.

This, too, I believe is the underlying purpose of this small business bill. What is strange is my pleadings for this provision to be added to this bill have so far fallen on deaf ears. Therefore, I have had to resort to this procedural motion to suspend the rules in order for this provision to be added to the bill.

Since the parliamentary tree is tied up and we do not even have a chance for amendments, I could not bring it up as an amendment other than this way. I would have thought this would have been unnecessary. After last week's proposal by the President, I would have expected that Members of his own party might have acted to include the research credit extension on the first possible legislative vehicle. This bill is that vehicle.

But, no, this bill is moving forward toward passage in the Senate with nary a word from the majority about the provision the President proposed last week. He said it was important. He wants it. It is something we ought to do. Above all, it would be bipartisan, one of the few things we have been able to do in a bipartisan way since this administration took over.

Perhaps most of my colleagues on the other side were on the beach and away from the television and the newspapers and did not see or know about the President's call for a permanent research credit. For those of my colleagues who might not have heard about the President's call for a permanent research credit, let me share a couple of facts that he, our President, put forward.

He said a permanent extension of the research credit is “a win-win—encouraging job growth and investment now that will pay off with stronger economic growth in the future.” Again, I could not agree more with the President.

President Obama also said economic growth is the single best way to bring down the deficit. There are some things our President says that make a terrific amount of sense. This is one of them because this bill before us today is supposed to be all about job creation and growing the economy. Because the President has renewed his call for a permanent extension of the very important research credit, it seems to me this motion would be unnecessary. I would have thought, as I said before, that the leadership would have taken care of adding this item to this bill.

I think most everyone will agree that this might very well be the only tax bill that even has a remote chance of passage and enactment before the election next month. Surely the majority leader does not plan to simply ignore

the President's call for passing a permanent extension of the research credit.

Well, since he either forgot to add this priority or decided to ignore the President, I am offering this motion as a way to remind him and a way to allow it to happen before this bill comes up for a final vote. I urge all of my colleagues to consider the implications of this country dropping to a second tier industrial power.

Our economy has been, both short term and long term, filled with problems. In the short run, we are not producing the number of new jobs we need. Our economy is not growing nearly as rapidly as we would all like. It is not generating nearly enough moneys or enough revenue to the Treasury. In the longer run, we are facing some severe competitiveness issues with our U.S. firms in competition with foreign firms. The Federal Government has, unfortunately, saddled them with the high taxation, more onerous regulations, and an unfriendly business climate. We have the second highest corporate taxes in the world.

In the high-technology area, along with other sectors of our economy that are even more global in nature, we have even more difficult challenges. Our international tax rules are very inhospitable to U.S.-based firms. This is one of the reasons the United States no longer dominates the list of having the largest companies in the world. In fact, in 1980, of the 50 largest companies in the world, we had 39 of them headquartered in the United States. Today we have just 16. It is because of these stupid rules that have been put in place, these stupid tax approaches that we must change if we want to do something about jobs in our society today.

One particular danger is that many of our trading partners have enacted very generous tax incentives in an attempt to lure away research and development from our country to theirs. There was a time not very long ago when the United States was considered the only real place in the world where companies wanted to conduct their research and development.

We had the best research scientists and the best facilities in the world. That time is no more. We can no longer make this boast. Many other places offer world-class facilities and scientists just as well trained and experienced as ours, many of whom have been trained right here, and we push them out of our country because we will not expand our H1B immigration rules. Talk about stupidity.

Now they also offer tax incentives to companies that are far superior to our country's tax incentives for our companies and for companies overseas. In fact, at this time we can offer no tax incentives for U.S. research and development because the credit expired last December. The research tax credit is a provision that has been in the tax law since 1981. It has been extended by Congress more than a dozen times.

This credit has wide and deep bipartisan support in this body as has been demonstrated numerous times. More importantly, however, is the fact that the research tax credit is a vital incentive to business enterprises of all sizes in this Nation.

In my home State of Utah, there are hundreds of small high-technology companies, companies and firms, that spend a high percentage of their revenue on research and development. In fact, Utah has more than 5,000 technology companies. Every State wants to attract companies such as these because their jobs are generally better paying private sector jobs than most private sector jobs.

On average, high-tech jobs pay 69 percent more. This R&D is vital to the future survival of these firms. No high-tech company can afford to ignore research that wants to be around next year or maybe even in the next quarter. The research credit is, in my thinking, the most urgent and important to our economy, our competitiveness, and to those hundreds of smaller high-technology companies in Utah.

We have before us on the Senate floor a small business bill. This bill is designed to strengthen our small businesses, which most of us acknowledge comprise the strongest component of our job creation engine in this economy to help them to do what they obviously are not doing very well at this time, and that is to grow and bring on more new workers. The tax portion of this small business lending bill is a good package that I support.

I think we do need to pass the tax provisions in the bill before us. However, it would be a grave mistake for us to think this is all we need to do to solve job-creation problems in our economy—far from it. We should be adding many provisions to this small business tax bill. These include the extension of the tax relief provisions passed in 2001 and 2003. That tax relief is important. However, since that is the subject of an intense partisan debate in the Senate right now, it does not seem possible. It seems reasonable, however, that we could all agree to add the most prominent tax provision the President is calling for—a bipartisan provision, the research and development tax credit—and make it permanent. It has wide and deep support on both sides of the aisle, here and in the House. Republicans are saying yes to the President on this. It is the members of his own party who seem to be saying no, even though I think most of them will vote for this if it has a chance to be heard and voted upon.

As Congress tries to address the job situation, we need to keep in mind that one of the best things we can do to retain and create good jobs in the United States is to incentivize research activities. One of the best ways of doing this is to ensure we have an effective tax policy to keep research here in our own country. Unfortunately, many of our trading partners now have strong tax

inducements for companies to perform research overseas. Research and development jobs are high-paying, and they are very desirable jobs.

Moreover, R&D very often leads to other kinds of economic development and the creation of even more jobs. We simply cannot afford to lose our lead in research by not keeping the United States as the premier location in the world for research and development. Having a robust research credit is key to this. The President understands it is the key. I surely hope my colleagues will wake up and help make this happen before it is too late and we have to work to get back what once was ours.

My understanding is that some might go along with this, but they want to increase taxes on oil and gas. They also want to do some other very obnoxious things that would be difficult for which to get bipartisan support.

We know that business in this country is having a very difficult time right now. My understanding is that they may want to add a carried interest provision, which would probably put a lot of venture capital funds out of business and would drive a lot of people out of business and maybe into bankruptcy. We simply cannot support that. We can support—and I think we would have almost 100 percent of the votes here in the Senate—the research tax credit. I believe it would show great bipartisanship at a time when it is needed. I think it would even benefit our Democratic colleagues to work with us on this.

But there are things in this underlying bill that really are very difficult to vote for—one part of it is, in the eyes of many, a new mini-TARP, the Troubled Asset Relief Program. We have seen how bad the last one worked. I hate to see us go further down that path when we could, in a bipartisan way, resolve these problems.

Last spring, four of us on the Finance Committee worked out an extenders package. We worked diligently together. We agreed on how it should be done. It was bipartisan in nature. I believe my friends on the other side initially agreed to it because it would have gotten at least 95 votes in the Senate. It could have been done early enough to create a lot of jobs this year. Then all of a sudden it became a partisan exercise again.

Time after time, if the Democrats can get one Republican to go with them, they call it bipartisan. I guess one could say that, but that is really stretching the term bipartisanship, especially when I think we could have had virtually 100 percent, or at least 95 votes for the extenders package we had worked out.

It is amazing to me how difficult it is to work together around here, especially when we want to and especially when we can come up with programs and legislation to which virtually everybody in this body would agree. It is almost like an arrogance of power: We are just going to teach those Republicans that we are not going to do what

they think is good. I hesitate to say it, but I think that had we had more bipartisanship around here over the last year and a half, we would be a lot further along. This economy would be back in a much stronger way, and there would have been a lot of jobs created.

If we are just going to keep playing partisan games on these very important bills on which we should all agree, then it stultifies jobs and the economy. I think it makes this administration look bad. In the process, it creates a lot of angst and anger throughout the whole country.

We would have had this done; it would have been done early this year had it not been for partisanship, in my opinion. There are things to be partisan about. There are things on which both sides disagree vociferously. That is the way this body works. We should go after each other on these matters. But there are some things on which we can all agree.

When the President comes out and says we need a permanent research tax credit, after all of the difficulties we have had, one would think our colleagues on the other side would grab Republicans and run with it. We could get it done, as we have always done in the past. There is no certainty with the current research tax credit, or the one that expired last year. Companies cannot plan for the future because we have to reinstate this all the time. Sometimes it is late, and even if we make it retroactive, it is not as helpful as it would be. Making it permanent would be a tremendous boost to scientific companies in this country and all other companies where innovation can occur. We have seen great results from the research and development tax credit.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mr. HATCH. Madam President, this is a motion to suspend rule XXII, paragraph 2, for the purpose of proposing and considering a motion to commit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I know we will be voting soon on these issues and moving forward on the small business legislation. That is what we are really here to do today, to pass legislation that is going to help Main Street. This is a bill that is long overdue. I know once a train is leaving the station, once legislation has cleared the hurdles and is going to pass, a lot of people want to then add other things onto that legislation. Those are some of the issues being discussed here this morning. But the important thing is not to hold up legislation for small businesses one more day. Let's not delay the need that Main Street has to get access to capital to help small businesses grow our economy.

In Washington State, we have lost thousands of jobs. Yet if every small business in Washington State had the

ability to hire one person as a result of getting access to capital, we would nearly wipe out our unemployment since this recession. It is critical for us not to delay this legislation any further, to move it ahead, and to make sure we are getting capital into those small businesses.

I know some of my colleagues have critiqued this legislation, saying they will not support it. I know we have had at least two Members on the other side who support this legislation moving forward. So, yes, I do call that bipartisan. I appreciate the fact that those two legislators had enough courage to say this was important to their constituents. In the August recess, they listened to small businesses, and they knew this was important to get done.

There is a lot of misinformation out there in the eleventh hour about how perhaps certain people weren't supportive of the legislation. My colleague from Oregon has a list that keeps growing every single day. It is now four or five pages of different organizations that support moving forward on this legislation. I haven't heard any of them advocating that we hold it up one more day or send it back to the committee to add more things to it. No doubt the discussion we are having about the extenders package of other policies should happen. If we get more bipartisan support, we will get those things done and we won't have them held up.

But if we go back to this basic issue we are trying to address, it is really about the implosion that happened on Wall Street that took Main Street down with it and about correcting that and moving forward today in a way that will help small business help our economy recover.

I hope my colleagues on the other side of the aisle will look at this bill overall, look at the tax credits given to small businesses, the fact that the depreciation rates in investment in new manufacturing and equipment can help small businesses be competitive, and that they will look at the expansion of the SBA programs that were enthusiastically endorsed by lots of different organizations—by banks, by lenders, by individual businesses—because they know that program that was enhanced in January to help give more flexibility was a huge success. When it expired in June, we saw a falloff in the type of investment and job creation we need to have.

This is about a philosophy. If my colleagues think our economy is about helping those huge businesses at the top or from Wall Street and that is somehow going to trickle down, then let's just keep doing business as usual. But if Members believe this is about helping small businesses grow, which is 75 percent of job growth in America, then let's get this bill off the floor today and get this legislation passed.

I thank the Chair and yield the floor.

Mr. CASEY. Madam President, today, passage of essential legislation

to support job-creating business investment was relegated to callous political brinkmanship. For months, funding for the biodiesel and the research and development, R & D, tax credits have been stalled due to Republican opposition. Just in June, I voted three times to fund the credits—on the 17th, again on the 24th, and finally on the 30th. Each time, every Republican voted against the bill that contained these and other essential extensions. Then today, as we neared completion of another essential piece of legislation, the small business jobs bill, motions regarding biodiesel and R & D were presented by Senators GRASSLEY and HATCH as a way to slow down progress on the legislation at hand.

Let me be clear—we must extend these credits. R & D credits have long been viewed as lifeblood for American innovation and job creation. While less known, the biodiesel credits also provide essential economic assistance to clean energy small businesses. Without a doubt businesses suffer due to our inability to work together. A business in Erie, PA, illustrates this point. Hero BX has struggled this year to keep its production facility open without the biodiesel credit, putting 40 jobs on the line.

I want to provide Hero BX and other businesses across the Commonwealth and beyond with the tools needed to compete and survive. Senator BAUCUS has reintroduced the tax extender package, including the R & D and biodiesel credits. I encourage all of my colleagues to support the bill. This is not about allowing a victory in an election year. Passage is about providing companies the incentives to keep and create jobs.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think allocated time is about to expire.

My good friend, the Senator from Iowa, talked about how good it would be if we removed uncertainty from the law. The unanimous consent I am about to propound would give Senators the opportunity to remove much uncertainty. This unanimous consent request, if agreed to, would extend the biodiesel tax credit the Senator from Iowa spoke about. It would also extend the R&D tax credit the Senator from Utah talked about. This consent request would do so completely paid for. The Senator from Iowa spoke about his wanting to move the tax extenders for 8 months. The unanimous consent request I am about to propound will provide for extending all of the tax extenders.

The consent request will allow Members on the other side of the aisle to get what they say they want; that is, to remove uncertainty in the law and get these provisions passed.

UNANIMOUS-CONSENT REQUEST—H.R. 4849

As I mentioned a few moments ago, I now intend to ask unanimous consent to take up and pass the full set of expiring provisions. So I ask unanimous

consent that H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010, be discharged from the Finance Committee; that the Senate proceed to the bill; that the Baucus substitute amendment extending expiring provisions that is at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, as if read; and that this all occur with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I reserve the right to object, and I will object, because this side wants an open amendment process. We are tired of every time a bill comes to the floor in the greatest deliberative body in the world, they tie up the parliamentary tree so we can't have honest amendments.

Secondly, the approach of my dear friend and colleague, whom I have worked with all of these years on the research tax credit, is not permanent and would not make it permanent, which is what the President has asked for.

I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The debate time has expired.

Under the previous order, amendments Nos. 4595, 4596, 4597, and 4598 are withdrawn.

#### MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to suspend rule XXII offered by the Senator from Iowa, Mr. GRASSLEY.

Who yields time? If no time is yielded, the time will be charged equally.

The Senator from Montana.

Mr. BAUCUS. Madam President, I don't see the Senator from Iowa here. It is his amendment to suspend the rules.

Let me say once again this motion to suspend the rules of the Senate is not serious legislating. It is simply an attempt to delay the passage of the small business bill.

The biodiesel tax credit is another tax extender. We will address these expiring provisions. We will also do so in a fiscally responsible manner. This motion today is another delay to passage of the underlying small business bill which is before us at this moment. So we reject this delay and we reject this motion so we can get on with passing this bill to create small business jobs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have 1 minute to speak to my motion to suspend the rules to bring up this bill.

We are on a bill now on the Senate floor that is supposed to create jobs. Hopefully, this bill will create jobs. But it is kind of small compared to what this Congress could do by passing the biodiesel tax credit. It should have been passed before December 31 last year. Senator BAUCUS and I put together a bipartisan bill to do it in February. That bill was delayed by the majority leader, so we are back here again for a third time, trying to get attention to jobs. This biodiesel tax credit will immediately put 20,000 more people back to work, and 2,000 in my State of Iowa.

I hope we will suspend the rules and create jobs for sure because those jobs were there before December 31 and they will be there on September 17 if we pass this amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 234 Leg.]

#### YEAS—41

Alexander	Dorgan	McConnell
Bayh	Franken	Murkowski
Bennet	Graham	Murray
Bennett	Grassley	Nelson (NE)
Bond	Hagan	Pryor
Brown (MA)	Harkin	Roberts
Brownback	Hatch	Shaheen
Burr	Hutchison	Snowe
Cantwell	Inhofe	Specter
Chambliss	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Wicker
Conrad	Lugar	Wyden
Cornyn	McCaskill	

#### NAYS—58

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Nelson (FL)
Baucus	Gillibrand	Reed
Begich	Goodwin	Reid
Bingaman	Gregg	Risch
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Bunning	Kaufman	Schumer
Burris	Kerry	Sessions
Cardin	Kohl	Shelby
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Crapo	LeMieux	Voinovich
DeMint	Levin	Warner
Dodd	Lieberman	Webb
Durbin	McCain	Whitehouse
Ensign	Menendez	
Enzi	Merkley	

#### NOT VOTING—1

Lincoln

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

#### MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes for debate, equally divided, prior to the vote on the motion to suspend rule XXII offered by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Madam President, last week President Obama called for a permanent research tax credit. We have always extended this tax credit. We failed last December to do it on time. Therefore, we are without it. We are without the jobs that would be created by it. I think it was a terrific move by the President to come out for a permanent research tax credit, and we ought to swiftly move to add it to this particular bill.

The only way I can do that, because of the tying up of the tree—which is happening all too often around here—is by a motion to suspend the rules.

This bill is a bill to create jobs. At least that is what it is supposed to be. But the research tax credit would do the most to instantaneously create jobs, and these are high-paying jobs. The only way we can get it is to vote for this motion to suspend. If we do, I think we would have 95 votes—a bipartisan vote—for this particular amendment.

I urge my colleagues to support the motion.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I deeply appreciate the remarks of my good friend from Utah. The fact is, any motion to suspend the rules in this context is not fair and, without being disparaging, it is not serious legislating. This is an attempt to throw another roadblock to delay passage of the small business bill.

In addition, the extenders bill, which I tried to get up by UC, would extend the R&D tax credit. We will find our way there later this year. We cannot suspend the rules at this point to delay passage of the small business bill. Rather, let's not accept this motion so we can get on to passing the small business bill and take up the R&D tax credit later on this year. We will definitely take it up. It will be passed later this year.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:



[Rollcall Vote No. 235 Leg.]

## YEAS—51

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bayh	Ensign	McCain
Bennet	Enzi	McCaskill
Bennett	Franken	McConnell
Bond	Graham	Murkowski
Boxer	Grassley	Murray
Brown (MA)	Gregg	Nelson (NE)
Brownback	Hagan	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Klobuchar	Vitter
Corker	Kyl	Warner
Cornyn	LeMieux	Wicker

## NAYS—48

Akaka	Begich	Brown (OH)
Baucus	Bingaman	Burr

Cantwell	Johnson	Reid
Cardin	Kaufman	Reid
Carper	Kerry	Rockefeller
Casey	Kohl	Sanders
Conrad	Landrieu	Schumer
Dodd	Lautenberg	Shaheen
Dorgan	Leahy	Stabenow
Durbin	Levin	Tester
Feingold	Lieberman	Udall (CO)
Feinstein	Menendez	Udall (NM)
Gillibrand	Merkley	Voinovich
Goodwin	Mikulski	Webb
Harkin	Nelson (FL)	Whitehouse
Inouye	Pryor	Wyden

## NOT VOTING—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

The clerk will now read the Budget Committee letter.

The bill clerk read as follows:

Budgetary Effects of PAYGO Legislation for H.R. 5297, as amended by amendment No. 4594.

Total Budgetary Effects of H.R. 5297 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.009 billion;

Total Budgetary Effects of H.R. 5297 for the 10-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.253 billion.

Also submitted for the RECORD is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4594 IN THE NATURE OF A SUBSTITUTE TO H.R. 5297, THE SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes .....	0	83,938	–11,175	–13,920	–11,272	–44,124	8,275	–5,049	–3,543	–2,669	–2,499	3,445	–2,035
Less:													
Current-Policy Adjustment for Tax Provisions <sup>a</sup> .....	0	2,789	1,845	–1,529	–966	–702	–543	–343	–194	–94	–44	1,436	218
Statutory Pay-As-You-Go Impact .....	0	81,149	–13,020	–12,391	–10,306	–43,422	8,818	–4,706	–3,349	–2,575	–2,455	2,009	–2,253

Note: Components may not sum to totals because of rounding. Assumed enactment date October 1, 2010.

<sup>a</sup> Section 7 of the Statutory-Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to increases in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code. The effects are all changes in revenues.

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

## AMENDMENT NO. 4594

The PRESIDING OFFICER. The substitute amendment is agreed to.

The time until noon is equally divided.

The Senator from Illinois.

Mr. DURBIN. The Chair has announced that the time between now and noon will be equally divided?

The PRESIDING OFFICER. That is the case.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and I ask unanimous consent for up to 5 minutes.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I know we are getting ready to vote on a very important piece of legislation—the Small Business Job Creation Act—that we have actually been working on now for a year and a half. It is hard to believe that a year and a half has gone by, but it has, despite the extraordinary work that has been done on this bill from the Democratic leadership, from a handful of Republican Senators who stepped up to make this a possibility, and from the administration and Treasury and literally hundreds of organizations that have brought this vote to the floor today. I wish it could have been 6 months ago. I wish it could have been 8 months ago. Every day,

every week we have waited to pass this bill has been another tough week for small businesses throughout our country. But this week is a good week for them. They have a bill that they can be proud of, that I believe we can be proud of, and it is overdue that we pass this bill today.

I know Members understand the significance of the three major parts of the bill: \$12 billion in directed tax cuts; an infusion of resources and strength to the core small business programs in the SBA that we know are effective in stimulating loans to Main Street, that create the jobs that will put this recession in the rearview mirror; and we know the third part of this bill is a very significant and new strategic lending partnership we are establishing with healthy community banks, the 7,000 community banks in every neighborhood—in rural areas, in suburban areas, in all of our States, and in almost every single one of those communities in those States.

I thank Chairman BAUCUS particularly for his help and Senator REID particularly for his help. I thank Senator BOXER and Senator CANTWELL and Senator MERKLEY. But I also thank Senator LEVIN, Senator WARNER, Senator STABENOW, many members of my Small Business Committee, Senator SHAHEEN, Senator MURRAY, Senator SCHUMER, Senator LINCOLN, Senator HAGAN, Senator CARDIN, Senator BURRIS, and many others—Senator SHERROD BROWN has been down to the floor time and time again.

I also thank two colleagues particularly from the other side of the aisle, Senator VOINOVICH and Senator LEMIEUX, who listened to their Florida

bankers, who listened to their Ohio bankers, who listened to their small businesses in Florida and Ohio and said that this is the kind of bill we need—tax cuts, strengthening of SBA programs, and a smart strategic lending program.

I thank Treasury Secretary Tim Geithner, Gene Sperling and Don Graves, and of course I thank the staff of the Small Business Committee and my staff in particular who did so much work.

In addition, I thank the National Small Business Association, Independent Community Bankers, the American Bankers Association, the National Association of Government Guaranteed Lenders, and the hundreds of organizations that helped push and pull this Senate to this vote today.

In the last minute I have, I wish to submit two things for the RECORD that I think need clearing up and amplification. One is a letter from the Chief Economist of the SBA that answers directly a criticism that was published in the Washington Post yesterday about the “myth” that small business is not the business that grows jobs in America. The economist was misquoted. This is a letter for the RECORD specifically outlining that. I think it is worth review today.

Second, and more important, a banker from California—and I thank Senator BOXER. I met with a banker from California and from Florida. I am from Louisiana, but they wanted to see me, I wanted to see them, and I met with them. Got a standing ovation. I am very proud, of course, because they said to me: Senator, this may be one of the most significant bills to help get



our banks where we need to be to start lending.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,  
OFFICE OF ADVOCACY,  
Washington, DC, September 15, 2010.

Hon. MARY LANDRIEU,  
Chair, Committee on Small Business and Entrepreneurship, Washington, DC.

DEAR CHAIR LANDRIEU: I am writing to clarify and apologize for my statements about small business to Ruth Marcus in her September 15, 2010, Washington Post article.

When I stated, "It's not true" . . . "It's half the story" in relation to small businesses being the major source of net job creation, I misspoke. I meant to state, "While true, it's only half the story." Meaning that while we know that small businesses are the major job creator, there are different types of small businesses, and that is where the story is.

Oddly enough, the fact that small businesses are the major job creator has been corroborated by all three papers mentioned in the article; even though all used different time periods, different methodology and different data.

The article discusses an academic debate that is playing out with John Haltiwanger, a University of Maryland Professor, in one camp and myself in the other. The topic is, "What group within the small business sector is driving new job creations." John believes it is start-ups and young small businesses; while I believe it is the relatively few small firms with fast growth. In many senses we are both correct.

So the debate is not, who creates more jobs, small or large firms. We know the answer; small firms create the majority of net new jobs, as shown from Bureau of Labor Statistics, Business Employment Dynamics data. They show firms with fewer than 500 employees accounted for 65 percent of the net new jobs in the private-sector over the last seventeen years.

My study on high growth firms finds a similar figure when looking at all three time periods and firms with volatile employment changes (meaning using a net concept of fast growers and fast decliners).

Unfortunately, I was quoted as stating, "it would appear that both small and large firms contribute about equally to employment growth." While a further examination of my study would show that this comment only refers to high-growth firms, not the entirety of all firms. When one includes all firms, the results show that small firms create two-thirds of the net new jobs.

I have spent my career developing the field of small business economics. I take pride in what I have been able to accomplish, but regret the damage I may have caused by the way in which I conveyed the information to Ms. Marcus. Attached is a copy of my study High Impact Firms: Gazelles Revisited. I am happy to supply any further assistance you may need.

Sincerely,

ZOLTAN ACS, PH.D.,  
Chief Economist.

From: Richard M. Sanborn  
[mailto:rsanborn@sccombank.com]

Sent: Wednesday, September 15, 2010 11:40 PM

To: Gillers, David (SBC)

Cc: David H. Bartram

Subject: Small Business Jobs and Credit Act of 2010—HR 5297

MR. GILLERS, I want to thank you for taking the time this evening to call in reference

to my comments to Senator Landrieu at the California Bankers/Florida Bankers meeting. My whole team and I are extremely grateful to the Senator for championing the Act through the Senate as it will have a profound impact on our institution.

Once passed and signed into law, the Act will allow us to apply for (and hopefully receive) an approximate \$1.8 million investment by the US Treasury through the Small Business Lending Fund component of the Act. We can leverage that Capital investment approximately 10 X, resulting in our ability to lend to small businesses and grow our loan portfolio an additional \$18 million. While \$18 million in new loans to small businesses does not seem like much, as we are primarily focused on lending to small businesses through the SBA's 7(a) lending program, to achieve \$18 million in loan growth, we could originate approximately \$180 million in new SBA loans to small businesses . . . which is a lot for a small bank like ours (we're only a \$130 million asset bank). Of course that assumes we originate all \$180 million with a 90% SBA guarantee and sell 100% of that guaranteed portion.

Originating \$180 million in new SBA small business means that we can provide needed capital to approximately 275 businesses, based on our current average SBA loan size of \$650 thousand. If we apply the SBA's overall average loan size of \$220 thousand, we could help over 800 small businesses get much needed capital.

This will be a great program, if passed, and will help the small businesses in the markets we serve. Again, please thank the Senator for her help with this important measure.

Sincerely,

RICK SANBORN.

Ms. LANDRIEU. Seacoast is a small bank. It only has \$130 million in assets. According to this banker's testimony to me yesterday, he is going to take this bill and all of its provisions, and he believes he can leverage \$180 million in SBA loans to small businesses. Based on their record and based on the average SBA loan size of \$650,000, this one bank in southern California believes it can make 275 business loans.

If this one small bank in South Carolina can take this bill and its provisions and leverage it to 275 good-quality loans in South Carolina, there is hope on the way. This is a real step to putting this recession behind us. I thank the Democratic leadership for making it a possibility. I hope next time a bill like this is brought to the floor of the Senate, it will not take so long; we will not have to jump over the barriers and barricades that were put in front of this bill. So I hope Members on the other side of the aisle will lower those barriers next time because our small businesses cannot wait.

#### TIER 1 CAPITAL

Madam President, as one of the two lead sponsors of the Small Business Lending Fund, I am deeply convinced of the ability of this program to provide small businesses with the credit they need to grow and create jobs. As you know, the purpose of this fund is to provide community banks with Tier 1 capital to increase their lending to small businesses, along with incentives for doing so. With up to \$30 billion in capital, community banks that participate in the Small Business Lending

Fund will be able to support many multiples of that amount in new lending. To allow that to occur, it has always been our intent and our understanding that the bank regulators should treat these investments as Tier 1 capital, in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions and in consideration of the strong public interest in promoting lending to small businesses.

Mr. REID. Madam President, I thank Senator LANDRIEU for her leadership on this issue. I agree that the intention of this legislation from the very start has always been that investments made through the Small Business Lending Fund should be treated as Tier 1 capital in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions. This treatment will allow these institutions to use Treasury funds to expand small business lending as intended.

Ms. LANDRIEU. I thank the Senator. With access to Tier 1 capital, I believe that the community banks that participate in this program will be able to provide small businesses with the credit they need to grow and hire.

#### DEDUCTION FOR HEALTH INSURANCE COVERAGE

Mr. BINGAMAN. Madam President, I would like to ask the chairman of the Finance Committee a question on the application of a provision in the Small Business Jobs Act of 2010.

Section 2042 of the bill will allow self-employed persons to deduct the cost of health coverage for themselves, their spouses, and their children who have not reached age 27 by the end of the year for purposes of determining their liability for self-employment taxes. Is it correct that the provision is not intended to affect the determination of earned income for other purposes? For example, earned income for purposes of determining the maximum amount of health insurance premiums a self-employed person may deduct for income tax purposes is not affected by this provision.

Mr. BAUCUS. The Senator from New Mexico is correct. Since the 108th Congress, he has introduced legislation to correct this inequity in the Tax Code. I would like to congratulate and thank the Senator from New Mexico for his leadership in championing this provision.

Mr. KERRY. Madam President, the Senate is on the verge of passing the Small Business Jobs Act which has been many months in the making and has been debated on the Senate floor for numerous weeks. I commend Senators REID, BAUCUS, and LANDRIEU for their tenaciousness in pursuing this legislation. It is essential we help small businesses attain the investment and capital necessary to create jobs and grow our economy.

Small business growth is critical to restoring our economy. Over the past 15 years, small businesses have created two-thirds of all new jobs. Unfortunately, small businesses have been hit

hard by the recession—losing more than 6 million jobs since December 2007. The Small Business Jobs Act provides the long overdue assistance to small businesses that will help create as many as 500,000 new jobs.

To assist small business owners and their employees, the Small Business Jobs Act will create jobs through a combination of much-needed tax credits, enhancements to Small Business Administration, SBA, lending programs, and the development of new community bank lending facilities.

I am very pleased this legislation will extend the successful loan enhancement provisions that Senator SCHUMER and I successfully included in the American Recovery and Reinvestment Act. The bill extends the provisions in the economic stimulus to increase the SBA guarantee rate to 90 percent and reduces fees on small business 7(a) and 504 loans obtained through the SBA. These provisions have supported more than \$30 billion in lending to small businesses across the country and helped create or retain more than 710,000 jobs. SBA lending in Massachusetts has nearly doubled in the past year as a result of this program.

As the former chairman of the Committee on Small Business and Entrepreneurship, I have been a long time advocate of small businesses and appreciate the role they play in our economy. The Small Business Jobs Act includes provisions that I have worked on for several years.

The loan increases included in the bill build upon my legislation from last Congress. With 7(a) loan limits increased from \$2 million to \$5 million and 504 loans from \$1.5 million to \$5.5 million, small businesses will be better able to expand and meet their financial needs for sustainability and growth.

The Small Business Jobs Acts expands upon the small business capital gains provision included in the American Recovery and Reinvestment Act of 2009. The bill temporarily increases the small business capital gains exclusion from 75 percent to 100 percent and eliminates the AMT preference.

Back in 1993, I worked with Senator Bumpers to enact legislation to exclude half of capital gains from the sale of small business stock that is held for 5 years. The bill before us expands on this provision.

I have also worked with Senator ENSIGN on a provision included in this legislation that would remove cell phones and other similar devices from the definition of listed property so their cost can be deducted or depreciated like other business property, without onerous recordkeeping requirements.

In 1989, Congress passed a law which added cell phones to the definition of listed property under the Internal Revenue Code. Back in 1989, cell phone technology was an expensive technology worthy of detailed log sheets. Only a few top executives had cell phones. At that time, it was difficult to

envision cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

With technology changing rapidly and many people owning a cell phone and a blackberry, a strict substantiation requirement to determine personal use is burdensome, inefficient, and administratively impracticable given their frequent use in a fast-paced global environment. The Tax Code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently than office phones or computers.

Investing in small businesses is essential to turning around the economy. Not only will investment in small business spur job creation, it will lead to new technological breakthroughs. This bill is long overdue and I am pleased that it is close to becoming a reality. I urge all my colleagues to support this critical legislation for our economy.

Mr. VOINOVICH. Madam President, I rise today to express my support for the passage of H.R. 5297, the Small Business Jobs Act of 2010. I am pleased that we got cloture on this legislation earlier this week, so we can get a final vote on the bill before the Senate completes its work for the week.

Things are more challenging now for our Nation than at any time during my life. Americans are worried about our Nation's future and their own personal well-being, and this uncertainty reveals itself in the answers to two questions I often ask when I speak to people. The two questions I ask are, one, do you have a better standard of living than your parents had? To which I always hear yes. And two, do you believe your children will have a better standard of living than the one you have? To which I almost always hear no.

To recover from this recession, we need to restore the faith of the American people in their future. We need to convince them that the glass is half full, and not half empty. And until we stabilize and repair our broken economy, and restore the flow of credit to businesses and individuals, the uncertainty and pessimism will remain.

This small business bill gives us one opportunity to address our economic challenges. The small business bill will improve the environment for small businesses by, among other things, including a number of small business tax breaks, expanding Small Business Administration loan programs, providing tax incentives for new small business investment, and expanding small business access to credit.

The bill will increase the guarantee of SBA's most popular loan program, which provides credit for small businesses that cannot otherwise obtain favorable loan terms, and it would provide higher maximum loan amounts for investments in major fixed assets, such as land, buildings, equipment, and machinery. It would also provide a variety

of export assistance tools to help our small businesses expand their reach into world markets and compete better in the global economy. These include a new grant program, counseling and education, redirecting SBA personnel, and improving export financing programs. Finally, this bill will extend tax incentives, such as section 179 expensing and bonus depreciation, which will generate new investment.

I have heard from many Ohio businesses regarding this small business bill, especially manufacturing businesses, which are the backbone of Ohio's economy. These small business owners have asked me to work with my colleagues and finish work on this legislation. A number of manufacturing organizations, which represent small businesses in Ohio and around the country, have written to me in support of the bill, including the Ohio Manufacturers Association, the Precision Machined Products Association, PMPA, the Precision Metalforming Association, PMA, the National Tooling and Machining Association, NTMA, and the Motor and Equipment Manufacturers Association. They share many of the same concerns; they are worried about their member companies' ability to obtain credit and keep afloat long enough to get out of this recession.

Many small businesses have been unable to obtain credit from their traditional lenders, which has led to less spending and more layoffs. For example, I was told that a Cleveland-based PMPA manufacturer that has been in business for over 50 years, and whose owner has served on the board of directors of several major banks, could not find sufficient credit in the United States. As a result, the company had to seek offshore lending, which it eventually found in Germany. I have heard similar stories from a number of small business owners. They complain that they cannot get loans or their lines of credit are being reduced or withdrawn despite their company's creditworthiness.

These groups, which represent thousands of small businesses and their employees, have sent me letters in support of this legislation, and I will ask that these letters be printed in the RECORD. I wanted to share one comment from a longtime friend of mine, James B. McGregor, Sr., vice chairman of McGregor Metalworking Companies in Springfield, OH, who said that this bill would "help to jumpstart manufacturing in America by improving the credit market for small businesses." Jim is the owner of a family-owned manufacturing company, and he knows as well as anyone how tough things are out there for manufacturers.

In addition to small manufacturers, others organizations also support this small business bill. Many community banks say it would allow them more latitude to lend to small businesses. The Independent Community Bankers Association, which represents 5,000 of the Nation's 8,000 community banks,

said in a letter to the two Senate leaders that of all the provisions in this bill, the Small Business Lending Fund, SBLF, “holds the most promise for small business creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford . . . [i]t would provide another option for community banks to leverage capital and expand credit to small business.”

The American Bankers Association, ABA, has expressed support for the bill because it would allow “community banks to find new sources of capital . . . [and] provides an option for banks to . . . continue meeting the needs of their communities.” The ABA also supports the bill because it would enhance SBA loan programs, which it says is “critically important and will help lenders provide loans so that small businesses can create jobs in their communities.”

Other business organizations such as the Chamber of Commerce and Financial Services Roundtable support the bill because they know it contains important tax provisions, strengthens existing SBA programs, and helps our economy.

So, my support for the small business legislation is based upon the many calls of support I heard from Ohio’s small and medium manufacturers, most of whom are still struggling to recover from this recession. At the same time, these manufacturers are experiencing the fiercest competition I have seen in my lifetime.

My support of Ohio’s manufacturers is not new, and my support of this bill is a part of my longstanding concern for and support of Ohio’s manufacturing companies. As Governor of Ohio, I am proud that we gave high priority to manufacturing and that it grew for the first time in many years during my administration. We instituted several incentives for manufacturing, including a job-creation tax credit, a manufacturing and equipment investment tax credit, and the technology investment tax credit. As Governor, I went on nine business, trade, and investment missions, with the intention of helping open new markets for Ohio products, and I am hopeful that the export promotion efforts in this legislation will help Ohio’s manufacturers take advantage of selling in the global market.

When I came to the Senate, I continued to support manufacturing, making it a key priority of my legislative efforts. For example, during President Bush’s first term, I worked with the administration, when it filed the section 201 action, to support the U.S. steel industry at a time when imports were coming in at an increasing rate and threatening the industry’s existence. And after a painful period of adjustment, the steel industry came back. I am afraid of what might have been the fate of this important industry had President Bush not taken action. I am also proud that I was the

chief advocate to the President and Secretary of Commerce Don Evans of the need for an Assistant Secretary of Manufacturing as well as a plan to support manufacturing. From 2006 to 2008, I worked closely with Senator BAYH, who is also from a manufacturing State, to pass legislation to improve our Nation’s intellectual property theft enforcement efforts. These efforts were rewarded when the PRO-IP Act became law in October 2008. Our efforts to pass this legislation may have surprised some who view IP theft as something related to knockoff purses and software, but IP theft has such a damaging effect on our manufacturers, we both viewed this as an important way to help our manufacturers compete on a level playing field in the global economy.

Most recently, I have worked to protect manufacturing from onerous cap-and-trade legislation that would have a devastating effect on manufacturing, while doing little to improve emissions from countries such as China and India. I have also worked on a bipartisan basis to reauthorize the surface transportation act. This is another must-pass bill that would provide certainty to a number of industries and would help our manufacturers recover from this recession. I have spoken to the President about the need to pass a highway bill, and I was encouraged that he has promised to take a leading role in getting it done.

I know that my Republican colleagues have concerns with the lending facility and what it means for the role of government in the private sector. I have heard their concerns, but based on the feedback I have heard, mostly from Ohio’s small businesses, I reached the conclusion that this \$30 billion Small Business Lending Fund will help banks that serve local communities to expand their lending at a time when credit to small businesses has tightened for a variety of reasons. These are the community banks that make the small but necessary loans to restaurants, small manufacturers, home improvement contractors and the like to keep their businesses afloat and hopefully begin to expand as the economy recovers. In addition, the program is voluntary for these banks, and the lending fund is estimated by the Congressional Budget Office to save money. In other words, the lending fund will not add to the budget deficit or the national debt, and it will not increase taxes. So this fund amounts to a relatively modest, voluntary, revenue-neutral financial tool for small community banks helping to restore the flow of credit small businesses desperately need.

Finally, for those who are trying to make this a partisan bill, I will say there is enough blame to go around. The Democrats in Congress delayed passing this bill for many weeks. They denied Republicans the opportunity to amend the bill for many weeks, while we held political votes on a number of issues. The President then went on to

politicize the bill, ignoring legitimate complaints about the lack of amendments from my side of the aisle. It is worth remembering the Senate moved to the bill on June 29, then abandoned it repeatedly to vote on unemployment benefits multiple times, financial regulation, supplemental appropriations, executive nominations, the DISCLOSE Act, and the teacher bailout, which took us into the August recess. Then when discussions about Republican amendments were finally starting to receive serious consideration, these amendments were countered by Democratic amendments, leading to an amendment tit for tat, which is too often the case.

But while I am disappointed that my colleagues were unable to offer amendments to this bill, which is one of the traditions of the Senate, I felt we could no longer wait to pass this legislation. We needed to do something now to help the economy get going, and hopefully we will get back to the Senate tradition of offering amendments and having votes. Finally, I am pleased that there was a vote on at least one Republican amendment, the amendment offered by Senator JOHANNES, which would repeal an extremely burdensome reporting requirement for small businesses included in the health care reform bill. While I am disappointed that it failed and small businesses continued to be threatened by this burden, I am hopeful that this amendment process has brought enough attention to the problem and it can be fixed before the end of this year.

Finally, Mr. President, I will continue to work to pass a robust highway reauthorization bill this year, which I strongly believe would help improve our economy, and once again, I ask President Obama and Majority Leader REID, to work with the relevant committees to complete work on a multiyear, paid for, reauthorization of the highway bill before the 111th Congress adjourns.

Madam President, I ask unanimous consent to have printed in the RECORD the letters to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRECISION METALFORMING ASSOCIATION AND NATIONAL TOOLING & MACHINING ASSOCIATION,

July 23, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of One Voice, the joint effort between the National Tooling and Machining Association (NTMA) and the Precision Metalforming Association (PMA), and our nearly 3,000 metalworking member companies, thank you for your continued efforts to support small businesses manufacturing in America. Your vote on the Small Business Loan Fund Amendment was critical to helping support small businesses access timely and sufficient credit and to domestic manufacturing growth.

Many small and medium-sized manufacturers continue to face challenges accessing timely and sufficient credit for day-to-day

operations, investing in capital equipment and raw materials, increasing worker hours, and hiring more employees. The lack of availability of credit has led to decreased spending, increased layoffs, and depleted collateral in many industries, including metalworking. In the current environment, many lenders are steering clear of perceived "at risk" industries such as manufacturers who are temporarily impaired. This legislation will improve the lending environment and will help America's small manufacturers strengthen their businesses and continue to lead our nation's economic recovery.

Thank you again for your long history of supporting America's manufacturers. We look forward to continuing to work with you and your staff on issues critical to strengthening manufacturing in America.

Sincerely,

WILLIAM E. GASKIN,  
PMA President.  
ROBERT AKERS,  
NTMA Chief Operating Officer.

PRECISION MACHINED  
PRODUCTS ASSOCIATION,  
July 23, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for your vote on the Small Business Loan Fund to ensure that small businesses gain access to timely and sufficient credit, an issue of increasing importance as manufacturers seek new business and the economy improves.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. However, as the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours to meet improving demand. Lack of capital is stunting economic growth and the Loan Fund program is an important component of improving the situation and spurring the economy.

As we work to recover and strengthen manufacturing in America, access to sufficient and timely credit is a critical component. Thank you for your support, and we look forward to continuing to work with you to help strengthen small business manufacturing in America.

Cordially,

ROBERT C. KIENER,  
PMPA Director of Government Affairs & Communications.

PRECISION MACHINED  
PRODUCTS ASSOCIATION,  
Brecksville, OH, Sept. 10, 2010

Hon. GEORGE V. VOINOVICH,  
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for your support of the Small Business Jobs Act, particularly your efforts to help small businesses gain access to timely and sufficient credit. Improving the lending environment for small manufacturers is essential to jumpstarting the nation's economy.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. As the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours

to meet improving demand. Lack of capital is stunting economic growth and this bill is an important component of improving the situation and spurring job growth.

As an Ohio-based association with thousands of employees in the Buckeye State, thank you for your years of leadership on behalf of manufacturers. We look forward to continuing to work with you and your staff in the coming months as we move forward to strengthen manufacturing in America.

Sincerely,

MIKE DUFFIN,  
Executive Director.

NATIONAL TOOLING AND  
MACHINING ASSOCIATION,  
Ft. Washington, MD, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,  
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Tooling and Machining Association (NTMA) and our 150 member companies in the State of Ohio, thank you for your support of the Small Business Jobs Act to improve the lending environment for small businesses. Our members are small and medium-sized, mostly family-owned businesses who rely on timely and adequate lines of credit to purchase raw materials and make significant investment in their operations.

As you know, the vast majority of small businesses turn to their local community banks for lines of credit. However, due to numerous market conditions and regulatory restrictions, lenders have reduced or revoked credit lines even for profitable companies in Ohio seeking to purchase equipment and hire workers to meet increased demand and new job orders. Tool and die makers in particular are expected by their customers to invest significant capital up front when manufacturing a product and are often not paid for several months and at times for over a year. The nature of this industry requires an adequate and stable credit market and this legislation is an important step to jumpstarting American manufacturers.

Thank you for your support of this legislation and your continued leadership in Washington on behalf of small and medium-sized manufacturers. We especially appreciate the dedication and time your staff has committed over the years supporting the needs of over 16,000 manufacturing companies in Ohio.

Sincerely,

ROBERT L. AKERS, JR.,  
Chief Operating Officer.

PRECISION METALFORMING  
ASSOCIATION,  
Independence, OH, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Metalforming Association (PMA) based in Independence, Ohio, and our more than 100 member companies in the State, thank you for your years of leadership in Columbus and Washington supporting small and medium-sized manufacturers. Your efforts to help pass the Small Business Jobs Act is critical to jumpstarting the economy. Our members continue to report challenges accessing timely and sufficient credit to help run day-to-day operations, invest in their facilities and hire new employees. Your support of this bill will improve the credit environment for small manufacturers and expand growth.

Ohio manufacturers are the backbone of our economy, employing more than 600,000 people in our state. Many of these companies report they are ready to expand and take on new business but the tight capital markets restrict their ability to increase production

and purchase raw materials. One year ago, 72 percent of respondents to our industry survey expected to encounter challenges with credit when the economy improves—their predictions have come true.

Senator, as you recently said, "We don't have time anymore. This country is really hurting." Nowhere is this more true than in Ohio. You and your staff have tirelessly worked to strengthen manufacturing in America and your support of this legislation to improve the lending environment for our businesses is critical.

Thank you again and we look forward to continuing to work with you on this and other important issues.

Sincerely,

WILLIAM E. GASKIN,  
President.

PRECISION METALFORMING  
ASSOCIATION,  
Sept. 10, 2010.

MANUFACTURERS APPLAUD SENATOR  
VOINOVICH FOR HIS SUPPORT OF SMALL BUSINESS JOBS ACT

The Ohio-based National Tooling and Machining Association (NTMA) and Precision Metalforming Association (PMA) applauded Senator George Voinovich's (R-OH) announcement that he would vote to support the Senate moving forward to consider the Small Business Jobs Act, a bill that would help small and medium sized manufacturers access credit needed to help finance their day-to-day operations, invest in expansion of domestic operations and ensure that a disruption in the critical supply chain does not occur.

The bill, already passed by the House, creates a \$30 billion lending pool that community bankers can use for small businesses, and \$12 billion in tax incentives. The Senate is expected to vote on the bill next week.

"Senator Voinovich's support of this bill continues his long history of standing with small and medium sized manufacturers in this country," said PMA member James B. McGregor, Sr. vice chairman of McGregor Metalworking Companies in Springfield, OH. "We greatly appreciate his support in helping to jumpstart manufacturing in America by improving the credit market for small businesses."

McGregor, who also serves on the Manufacturing Council, a forum established by the U.S. Department of Commerce to ensure regular communication between the federal government and the manufacturing sector, added: "While a slew of proposals to boost manufacturing have been announced in the past couple of weeks by both political parties, most of these proposals are months, if not years, away from Congressional action. By improving access to credit, the Small Business Jobs Act can help small and medium sized manufacturers now. We urge the Senate to pass this bill as soon as possible."

For additional information or to arrange an interview with a PMA or NTMA manufacturer, please contact Caitlin Andrews at 202-828-7637 or [caitlin.andrews@bgllp.com](mailto:caitlin.andrews@bgllp.com)

About NTMA: NTMA is the national association representing the precision custom manufacturing industry, which employs more than 440,000 skilled workers in the United States. Its mission is to help members of the U.S. precision custom manufacturing industry achieve business success in a global economy through advocacy, advice, networking, information, programs and services. Many NTMA members are privately owned small businesses, yet the industry generates sales in excess of \$40 billion a year. NTMA's nearly 1,600 member companies design and manufacture special tools, dies, jigs, fixtures, gages, special machines and

precision-machined parts. Some firms specialize in experimental research and development work.

About PMA: About PMA: PMA is the full-service trade association representing the \$113-billion metalforming industry of North America—the industry that creates precision metal products using stamping, fabricating, spinning, slide forming and roll forming technologies, and other value-added processes. Its nearly 1,000 member companies also include suppliers of equipment, materials and services to the industry. PMA leads innovative member companies toward superior competitiveness and profitability through advocacy, networking, statistics, the PMA Educational Foundation, FABTECH and METALFORM tradeshows, and MetalForming magazine.

MOTOR & EQUIPMENT  
MANUFACTURERS  
ASSOCIATION,

Washington, DC, Sept. 14, 2010.

Hon. GEORGE V. VOINOVICH,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR VOINOVICH: The Motor & Equipment Manufacturers Association (MEMA), along with its affiliated associations, Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), and Original Equipment Suppliers Association (OESA), applaud and thank you for your leadership in ending the stalemate in the Senate on the Small Business Jobs and Credit Act (H.R. 5297).

A vibrant parts manufacturing industry is critical not only to the state of Ohio, but to the entire nation. This bill is critical to help smaller manufacturers, including parts suppliers, access the credit they need to reinvest in and grow their businesses. MEMA strongly supports H.R. 5297 and believes that both the creation of a Small Business Lending Fund to assist banks in increasing small business capital investment lending as well as the establishment of a State Small Business Credit Initiative that allocates federal funds for states to partner with financial institutions will directly and immediately help small manufacturers.

Again, thank you for your willingness to step in and help move this important bill forward for Senate passage. We are very grateful for your leadership and political courage.

Sincerely,

ROBERT E. MCKENNA,  
President and CEO.

Ms. SNOWE. Madam President, it has been nearly 2½ months since the majority leader first brought small business jobs legislation to the floor, and now this bill will pass the Senate through a constrained process under which the majority has continually stunted our ability to offer amendments, dictating to our side which amendments they considered worthy—something I find abhorrent and antithetical to this institution. And I might add, before the votes we held Tuesday on the JOHANNIS and Nelson amendments on the 1099 issue, we had voted on just one amendment during consideration of this bill—an amendment to reinstate an ill-conceived and divisive lending fund into the bill. And with the failed votes on the 1099 issue, we inexplicably and regrettably punted on a chance to help millions of small businesses save the time, cost, and effort of sending billions of new informa-

tion reporting forms to the IRS and to other businesses.

As ranking member of the Senate Small Business Committee, I have come to the floor several times during recent months to express my regret over the procedural twists and turns that have gotten us to this point. Clearly, we have had ample opportunity to consider and pass meaningful small business jobs legislation. Yet time after time other priorities have taken precedence. Most recently, it was the August recess that took us away from Washington for 5 weeks while small businesses continued to call for help. They didn't get an August recess. They didn't have the luxury of putting things on hold while the economic situation failed to improve. As I said in July on the Senate floor, it seems as if we have forgotten how to talk to one another here, how to work together and forge a bipartisan and sensible solution to a problem that plagues our economy.

A prime example of this is the recent votes we took to repeal the onerous and imprudent mandate in the health care legislation regarding the filing of 1099 forms by millions of businesses. It will require that, starting in 2012, every business in America must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier. This mandate would include purchases of supplies and equipment, as well as purchases of services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it has nothing to do with health insurance reform. It makes the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty. They look to the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden like this new 1099 filing requirement. This new system of 1099s has absolutely nothing to do with a direct tax liability in a given year. Instead, this reporting regime will allow the IRS to track business purchases that exceed \$600. Businesses typically have an intense focus on carefully tracking their sales to customers with marketing professionals. Rather than tracking sales to customers, this new government mandate will force a change in business focus to a detailed accounting of purchases from suppliers.

While controlling costs is clearly a vital component of business profitability, this new government mandate on cost accounting and reporting to the IRS is an inordinate shift of priorities that will harm competitiveness and profitability because it will shift focus and resources away from cus-

tomers. We had bipartisan support to eliminate this provision, and yet we couldn't agree to repeal this provision because 52 Democrats opposed Senator JOHANNIS amendment. How out of touch and disconnected can the majority be? American business owners are desperate for relief from taxes and regulation, and we can't even agree to help them. Instead, we are going to impede their ability to thrive and grow.

Indeed, for the small businesses that attempt to comply with this tax reporting mandate, this paperwork burden will be imposed with a crushing effect. New tracking systems will have to be implemented for purchases in order to ensure that aggregated purchases exceeding \$600 are reported to the IRS. In fact, according to a National Federation of Independent Business, or NFIB, small business survey, at \$74 an hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government. The Small Business Administration has found that the cost of tax compliance is already 67 percent higher in small firms than in large firms. And because this new 1099 reporting burden would be so ubiquitous for firms attempting to be compliant—by requiring new processes of making business purchases and tracking of business purchases—this compliance cost statistic is likely to become woefully outdated as costs soar ever higher. Mr. President, we ought to be reducing the small business regulatory compliance burden, not augmenting it.

So, once again, here we are, and the only amendment that the majority has seen prudent to approve reinstates an ill-conceived Treasury lending fund that has been widely recognized as “TARP Jr.,” while we fail to vote in favor of an amendment introduced by Senator JOHANNIS that could have helped small businesses.

Simply put, we will rely on small businesses to lead us out of the present economic morass. According to the Small Business Administration, or SBA, small firms have created 64 percent of net new jobs over the past 15 years. And since they represent 99.7 percent of all employer firms and employ slightly more than half of all private sector employees, it is more than evident that our overall economy's health is based on the well-being of our Nation's almost 30 million small businesses. With our Nation's unemployment rate hovering near 10 percent since last August—over a whole year ago—and standing at a regrettable 9.6 percent today, it will require nearly unprecedented economic growth to reverse this trend.

We have 14.9 million Americans on the unemployment rolls, searching for opportunities in what often seems to them a hopeless situation. According to the most recent ADP Employment Report, we learned that private-sector companies actually shed 10,000 jobs in August—news which the firm noted “. . . confirms a pause in the recovery,

already evident in other economic data." From February through July, "... the average monthly gain in employment was 37,000 with no evidence of acceleration." By any measure, these job creation figures are lackluster and insufficient.

Yet if we are to spur a full-fledged recovery that recoups the jobs we have lost since the start of the recession in December 2007, the NFIB's latest Economic Trends survey notes that "... to restore 2007 employment levels and unemployment rates by 2013, we need a net 400,000 new jobs every month for 3 years"—which, given the numbers coming from both the Department of Labor and ADP, would be next to impossible. We have hit the mark of 400,000 jobs in 1 month only once this year—in May—and that was due to the hiring of 411,000 census workers. Indeed, the private sector only grew by 41,000 jobs that month.

Furthermore, with respect to our economic growth, the Bureau of Economic Analysis late last month revised its estimate of GDP growth downward to an astonishingly low 1.6 percent for the second quarter of 2010, from an earlier prediction of 2.4 percent.

Let's be clear. This kind of growth is insufficient to reduce unemployment and bolster our economic future, and it certainly will not instill the level of confidence that small business owners require in decisions to take risks and invest in their businesses. In fact, just before the July 4th recess, I met with the president of the Boston Federal Reserve, Eric Rosengren. And as he noted, the "growth" the economy has shown thus far is for the most part in inventory—and this is not actually "real growth." Right now, our government is the only real growth industry in this country, and that is not a recipe for future prosperity and the kind of innovation that has always placed America on the vanguard in an exceptionally competitive global marketplace.

So what will be required? In the Federal Reserve's analysis, roughly a 6-percent growth in GDP will be necessary just to equalize the job losses we have suffered by the end of 2012. That rate would be almost the same level of growth we experienced during the recovery from the 1982 recession and approximately double the growth following the 1991 and 2001 recessions. Indeed, even to attain a 5-percent unemployment rate by the end of 2015, it would require annual growth of 4.2 percent. The last time we witnessed sustained annual GDP growth near that level was the late 1990s, peaking at 4.8 percent growth in 1999. So we have our work cut out for us.

Yet, while small businesses are looking to Washington for some certainty in the tax and regulatory policies they deal with on a daily basis, there has been a stark disconnect between Washington and the entire rest of the country. This vast chasm is vividly discernible in the NFIB's July Small Business Economic Trends report, which de-

scribes small businesses' optimism as being at an "unprecedented" low. The report went on to state that "the U.S. economy faces hurricane force headwinds and the government is at the center of the storm, making an economic recovery very difficult."

The NFIB's June survey noted that the optimism index remained in "recession" territory, and even with some signs of life in our economy, "Washington, D.C. . . . seem[s] determined to undermine any economic forward momentum for small business owners." That report further stated that "Congress continues to pass and propose legislation that increases the cost of running a business and create huge uncertainty about future costs." And the U.S. Chamber of Commerce added its own dire analysis of Washington's actions in an open letter in mid-July, asserting that, "By straying from the proven principles of American free enterprise, policymakers are needlessly prolonging the economic agony of the recession for millions of Americans and their families." These candid assessments of how small business owners view the actions of this Congress and this administration must unquestionably be heeded if we are to ever regain the trust of the American people. As I said earlier, the majority is detached from reality.

So clearly there is a demonstrable necessity for a broad jobs package that will get our Nation's small businesses back on track and spark the idling engines of our economy. The substitute amendment that has been laid down contains a solid foundation for investing in jobs that includes many of the provisions I have championed over the last year and a half and that formed the core of my Small Business Job Creation Act, S. 3103. This includes crucial measures to bolster Small Business Administration, or SBA, lending, increase the number of small companies that export to foreign markets, and provide immediate tax relief to our Nation's true job creators. In fact, the Small Business Committee has approved many of these provisions unanimously, and the President of the United States has called for them to be included a jobs package.

One of the critical starting points of this legislation is taking steps to stem the endemic credit crisis our Nation's business community is still facing. This bill will address this stifling credit crunch that is placing a perilous chokehold on our economy across the country so that we can do something viable and bold to confront such a universally-acknowledged problem.

We can begin to turn around this deploable trend by boosting the SBA's capacity for facilitating access to credit. This bill includes key lending provisions from a measure I introduced with Small Business Committee Chair Landrieu, which was reported out of our committee by a vote of 17 to 1, to increase the maximum limits for SBA 7(a) and 504 loans from \$2 million to \$5

million; raise the maximum microloan limit from \$35,000 to \$50,000; and allow for the refinancing of conventional small business loans through the SBA 504 program. These loans are critical to small businesses that utilize this capital in starting their firms and investing in equipment and expansion. It should be evident to everyone in this Chamber why 81 business organizations have endorsed these provisions.

I would note that enhancing SBA loans has already paid tremendous dividends. In the stimulus, we included initiatives to increase SBA maximum 7(a) loan guarantees from 80 percent to 90 percent and to reduce certain 7(a) and 504 lender and borrower fees. But, regrettably, these provisions have lapsed, and these initiatives, which are credited with increasing loan volumes by a remarkable 90 percent nationwide and 236 percent in Maine, have, to my dismay, come to a close. At a time when unemployment hovers at unsustainable levels and consumer confidence hangs in abeyance, nothing could be more counterintuitive than to allow these provisions to remain moribund. In fact, we have seen the dramatic results to SBA lending since the expiration of these critical enhancements. In August alone, the SBA approved only \$1.097 billion in SBA 7(a) guaranteed loans, a 43-percent decrease from the \$1.9 billion in 7(a) loans it approved in May, the last month of the fee relief and higher guarantees.

That is why I introduced an amendment to this bill along with Senators GRASSLEY, ENZI, ISAKSON, and COLLINS, to resuscitate these highly effective programs—and I am pleased that the majority leader has included a modification of our amendment in the most recent substitute. This language would provide \$505 million to reinstate SBA fee reductions and the elevated guarantee on SBA 7(a) loans through the end of 2010.

Additionally, we must provide tax incentives to the small business community in order to foster job creation. We know from survey after survey that small business owners consider taxes to be one of the biggest impediments to the growth of their firms. Indeed, in the National Small Business Association's 2009 Year-End Economic Report, 38 percent of respondents to their survey noted Federal taxes as one of the three most significant challenges to the future growth and survival of their businesses—a category trumped only by the ongoing economic uncertainty pervading our Nation. To help mitigate this uncertainty, the tax portion of this bill that Chairman BAUCUS and ranking member of the Senate Finance Committee, Senator GRASSLEY, helped negotiate includes three critical components: cash flow, investment incentives, and fairness.

The lifeblood of a small business is its cash flow, and so this bill contains several provisions that will improve the cash flow status of a company. The provision that is most remarkable will



also address a fundamental injustice of the TAX CODE: permitting the self-employed, like realtors, a full deduction for the first time ever for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, for many small business owners the self-employment tax, or SECA tax, imposed on the health benefits of the business owner is an expensive injustice that only adds to the already exorbitant cost of health insurance. Regrettably, the health reform bill that was jammed through Congress earlier this year fell far short for small businesses. So allowing the full deduction for health insurance for the self-employed is critical for affordability.

This substitute will also allow for general business credits to be carried back 5 years and taken against the alternative minimum tax, or AMT. When Congress implements policies through the TAX CODE, we expect businesses to utilize these incentives. Unfortunately, during a downward business cycle as we have been in for 2 full years, businesses do not have income tax liability that can be offset with a credit. The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income and offset prior tax liability with these credits to get an immediate cash infusion. They can use this cash as they choose, but, as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. This same principle applies with respect to the provision that allows credits to be used against the alternative minimum tax.

And with regard to investing in new equipment, more businesses will be incentivized to make equipment purchases or upgrade their physical spaces. Real property has never been included in "expensing," and this would allow "Main Street" businesses such as retail, restaurants, and dentist offices, to renovate and make other improvements to their buildings in 2010 and 2011 and immediately deduct those costs. In this legislation, we also increase the expensing limitation to \$500,000 for equipment. This is double the amount previously permitted. However the bill would also bifurcate that amount so that up to \$250,000 of expenses for real property can be expensed and the business can still purchase up to \$250,000 of equipment.

One final tax provision I would like to discuss concerns investment in small business. Senator KERRY and I have long championed allowing for the complete exclusion on capital gains attributable to small business stock held for 5 years. The President touted this effort in his State of the Union Address. I hope this will help jumpstart critical investment in our Nation's small businesses.

Furthermore, this bill would take critical steps to inject some fairness into the Federal contracting process

for small businesses. And it also includes \$50 million in funding for small business development centers, which provide critical technical assistance and counseling to small businesses at over 1,000 locations nationwide. The SBDC program has a proven track record of job creation. According to an annual report by Dr. James Chrisman at Mississippi State University, between 2007 and 2008, employment levels of SBDC clients increased 10 percent more than for U.S. businesses in general. As a result of the additional funding included in this package, Dr. Chrisman estimates that over 20,000 new jobs would be created, while tens of thousands more will be saved.

Just as there is much we can do right away domestically, our legislation will also take action to help our small businesses compete globally. Given that fewer than 1 percent of U.S. small businesses export, it is all the more vital that we take advantage of this untapped market and help those enterprises sell their goods and services to the 95 percent of the world's customers who live outside our borders. In his State of the Union Address, President Obama made clear that we must double our exports over the next 5 years, and small businesses are a critical component of the administration's strategy and our national competitiveness.

For this reason, this bill includes small business exporting provisions from legislation I introduced with Chair LANDRIEU. The provisions in this bill—larger SBA export loan limits, expanded export technical assistance, and enhanced assistance for trade promotion—have bipartisan support, they were reported unanimously by our committee last December, and they have administration support and have also been endorsed by the U.S. Chamber of Commerce. These provisions could create roughly 46,000 new American jobs in the year after enactment and 200,000 jobs over the next 5 years.

Another theme that I frequently hear from small businesses is that the regulatory environment promoted by Washington is too complex and often detrimental to their ability to expand operations and create jobs. As such, this legislation strengthens the Regulatory Flexibility Act by requiring agencies to respond to the SBA Chief Counsel of Advocacy's comments in the final rules that they promulgate. This will help to ensure that the potentially devastating impacts to small business job creation are fully considered during the Federal rulemaking process. It also seeks more independence for the Office of Advocacy by mandating a separate line item in the administration's annual budget. These provisions are strongly supported by a variety of groups, including the National Federation of Independent Business, the U.S. Chamber, and the National Small Business Association.

Yet, despite all of these provisions—many of which I helped craft and many of which have broad, bipartisan support—regrettably, I cannot support

this bill as it stands because of the reckless and wrongheaded \$30 billion lending fund contained in the legislation. I have spoken at length about this on the Senate floor before, but let me remind my colleagues—once again—what we are voting on with this lending fund.

First, regardless of what proponents of the lending fund will say, it is essentially an extension of the Troubled Assets Relief Program, or TARP, which just terminated with the enactment of financial regulatory reform legislation. This is not simply my analysis. In a May 17, 2010, letter that Mr. Barofsky, the special inspector general of TARP, wrote to the Members of the House of Representatives, he states that "... in terms of its basic design, its participants, its application process, and, perhaps its funding source from an oversight perspective, the SBLF [Lending Fund] would essentially be an extension of TARP's CPP [Capital Purchase Program] program. . . ." So if the experts tell us that it looks like TARP—well, let's not kid ourselves—regardless of how the proponents want to spin this, it is still TARP.

Additionally, there are unintended consequences that may result from Treasury's Small Business Lending Fund which certainly raise a red flag for me. It is possible that instead of promoting quality loans, the proposal could encourage unnecessarily risky behavior by banks. The Treasury Department proposes to lend funds to banks, at a 5-percent interest rate, which can then be reduced to as low as 1 percent if the institutions in turn increase their small business lending. However, if the banks fail to increase their small business lending, the interest rate they pay could rise to a more punitive 7 percent. This could lead to the "moral hazard" of banks making risky loans to avoid paying higher interest rates.

Finally, I have serious concerns about the cost of the program. The lending fund provision that is in the Reid substitute remains virtually identical, for scoring purposes, to how it was in the House-passed small business bill, H.R. 5297. That score is based on a cash-based estimate. Under a cash-based estimate, the Congressional Budget Office, or CBO, listed the official score for the lending fund as raising \$1.1 billion over 10 years.

Although CBO was bound to score the provision under a cash-based estimate, the office also highlights in that same score—and I quote—"Estimates prepared on a 'fair-value' basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments than estimates done on a FCRA basis or on a cash basis. CBO estimates that the cost of the SBLF [Lending Fund] on such a fair-value basis (that is, reflecting market risk) would be \$6.2 billion." That is right, CBO is warning that although it is bound to score the



provision using a cash-based estimate, a more comprehensive scoring method reveals a potential \$6.2 billion loss to taxpayers. I raised this issue on the floor during the debate on the lending fund, but my opponents have simply ignored this concern. Certainly, this should have been taken into full consideration when evaluating the potential costs and benefits of the program and its effect on our increasing budget deficit.

Finally, I note that this past Tuesday, the Washington Post ran an article demonstrating that, while larger banks are generally associated with TARP, “. . . it's a collection of smaller banks that continued to plague the Treasury Department's bank bailout program.” In fact, the article cited that “the latest report from the agency shows that more than 120 institutions—nearly all of them small banks—have missed their scheduled quarterly dividend payments.” So I do not understand why the majority wants to create a new program for small banks that has the same characteristics of TARP, when many of those banks are already participating in TARP and have been delinquent on their payments.

So I am truly disappointed that we have arrived at this point. This bill could have been better. We could have considered amendments from the outset, and we could have moved on this bill months ago. I know that I have been calling for sensible legislation to help small businesses since January. Yet, regrettably, for the reasons I have discussed, I cannot support it.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant executive clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 236 Leg.]

#### YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Postcloture time is yielded back.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wanted to announce what the schedule will be in the next few days. I have been working with the Republican leader to try to make this as convenient for everyone and still cover as much as we can in the short period of time we have. The next vote, which will happen in a minute or two, will be the last vote this week.

On Monday, September 20, as has been previously announced, there will be no votes. The next rollcall vote will be at 2:15 on Tuesday, September 21, which will be cloture on the motion to proceed to the DOD authorization bill. I will have a conversation about that when this vote is completed as to how I propose to proceed to that matter.

I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 237 Leg.]

#### YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The bill (H.R. 5297), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I am shortly going to move to the Defense authorization bill. I hope we can avoid a cloture vote on it. But from what I have been able to determine, that will not be possible. I have had a number of conversations with Democratic Senators and Republican Senators. I have explained to them that if we are permitted to move to the bill, either by consent or cloture on the motion to proceed, there are a number of amendments that I think need to be considered on it initially. I have stated what those would be more than likely.

In my conversations with my Republican friends, they have indicated that they want, likely, more than just a motion to strike the don't ask, don't tell that is in the base of the bill. I said that is fine. The main thing I want—and I think it is fair in the waning

hours of this session before the election—is that we would have the text of whatever the amendment might be and also a time agreement because everybody is aware that someone could get on an amendment and talk forever. I am trying to be as reasonable as possible.

These decisions don't have to be made today, but I would like to do it before Tuesday because I am going to have to make decisions Tuesday on what we are going to do on this bill. The main thing I have explained to Democrats—and they know this—and I say to my Republican colleagues, the work we do on this bill prior to the election is not the end of this bill. This bill normally takes some time. We can't finish it in a week. I understand more work needs to be done. Senator LEVIN has things in the bill he would like to correct with an amendment or agreement. It is my understanding there is more that the minority doesn't like in this bill than just the don't ask, don't tell provision.

I understand, in addition to issues I have talked about in the last couple days, there are many other important matters that both sides of the aisle wish to address. I am willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible, which likely will be after the recess.

#### CLOTURE MOTION

Mr. President, I move now to proceed to Calendar No. 414, S. 3454, the Defense authorization bill, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The clerk will state the motion.

Mr. MCCAIN. Mr. President, I reserve the right to object, and I will object.

The PRESIDING OFFICER. There is no objection in order at this time. The cloture motion having been presented under rule XXII, the clerk will state the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

Mr. REID. Mr. President, before I proceed with more procedural matters related to the motion I just made, I am anxious to hear from my friend, the ranking member of the committee. We are not trying to cut him off in expressing his views.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that the vote on the motion to invoke cloture occur at 2:15 p.m. Tuesday, September 21; that on that date, the Senate resume consideration of the motion to proceed following a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators LEVIN and MCCAIN or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, if I understood the majority leader's words, in a rather unusual departure from anything I have ever seen in the Senate, if he receives sufficient votes to proceed to the bill, he would take up certain amendments that are on his agenda, and then, in lameduck session, we might consider other amendments.

Coincidentally, the amendments the majority leader would agree to would be two of them that are totally unrelated to national defense. One is the DREAM Act and the other is secret holds, as I understand it. Then other amendments of importance, which are relevant, which those of us on this side of the aisle have, which are important, maybe we would take them up, under certain circumstances, in a lameduck session.

Mr. REID. May I respond to my friend.

Mr. MCCAIN. Yes.

Mr. REID. I say to my friend from Arizona, I haven't decided for sure. We talked about some of the things I would do with our amendments. I have been very clear with every Republican Senator I have spoken to that, of course, the motion to strike, we would get to that as soon as we can. If Senators had other amendments related to the don't ask, don't tell provision, which has been somewhat controversial, and some people on the other side don't like that—if there are other amendments related to that, we would be happy to do that before we leave for the elections. Then we would have to see what else we can work out on this prior to going home for the elections. But recognize—and I think it is clear—that we are not going to be able to complete this bill before we go home.

Mr. MCCAIN. So, again, I say to the majority leader, you are going to ask Members on this side to proceed to the bill without us knowing what amendments you are going to allow and those amendments that may be considered in a lameduck session. It is well known that the DREAM Act is also one of the amendments the Senator from Nevada, the majority leader, has said will be part of the prelameduck session, which happens to be preelection, which happens not to have a thing to do with our Nation's defense. Other amendments that may be directly related to national defense will not be allowed by the majority leader, which is his right,

to fill up the tree, as he did last year after we spent a week on the hate crimes bill, which had nothing to do with our Nation's defense. I ask the majority leader to draw a conclusion or surmise that perhaps this has everything to do with elections and nothing to do with national defense.

Mr. REID. Mr. President, the Senator from Arizona has been in Congress the exact same period of time I have been here. We were in the House together, and we came to the Senate together. I am confident he knows the rules of the Senate. It has been very unusual in this Congress that we have had to file so many times a motion to proceed to get on a bill. This is a bill that relates to the defense of our country. On any piece of legislation, it seems like a strange Senate process when you have to know what amendments are going to be offered by both sides before you move to the bill. That is why we are here and why we are Senators, to deal with legislation. I thought I was going over and above what I needed to do by telling the Republican leader some of the amendments I thought we would deal with prior to the election.

With my friend continually saying that the DREAM Act has nothing to do with the defense of this country, we have hundreds of thousands of people of Hispanic origin who are serving in the U.S. military as we speak. The DREAM Act is very simple. It says if you have been in this country for 5 years and you came before age 16, you should be able to go to a State school. You get no Pell grant benefits whatsoever. If you have been in school for a couple years, you can get a green card, no citizenship, or if a young man or woman of Hispanic origin decides they want to join the U.S. military, they would have the right to do that, and after having served 2 years in the uniform of our country, they would be able to get a green card. That is all the DREAM Act does. I think it has a lot to do with the defense of this Nation. We need these young men and women to join our military. We want them to.

I also say that the reason I thought there was a concern about this legislation from the minority side was they didn't like the don't ask, don't tell provision. So I was trying to be as cooperative as possible and say amendments relating to that—let's do them. I talked to one Republican Senator, and even though I didn't agree with her amendment, I thought it was appropriate that she had the ability to offer that.

I am not trying to end all discussion on this bill. I hope we can finish it. As the Senator from Arizona knows, we are very limited in the time we have before the election, and because we came here together, we are both going to have an election on November 2.

I am going to have to excuse myself. I will be happy to respond to questions but I have a caucus that starts at 1 o'clock. If my colleague has some questions, I will be glad to respond; otherwise, I will have to excuse myself.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take up the time of the majority leader—I have a statement I will present at this time—except to say again that this is a transparent attempt to win an election. That is what this is all about. Why would we want to put the DREAM Act first before the election? Why not after we come back? Why not take up the secret holds after we come back? And, of course, the don't ask, don't tell issue is one of significant importance to the American people.

Last year, after spending a week on hate crimes—which, again, had nothing to do with this Nation's defense—the majority leader, with the agreement of the committee chairman, filed cloture and cut off debate and discussion of amendments that many of us felt were important.

I have been around this body for a number of years. I have never seen such politicization of our Nation's security as we are seeing in this process we are following. This politicization that has taken place over the last 2 years is very unfortunate. For as long as I have been privileged to be a Member of this body, the Senate has done a good job of keeping the National Defense Authorization Act out of partisan political fights that have little or nothing to do with the U.S. military, the brave men and women serving in it, and our national defense programs more broadly. There has even been a healthy degree of bipartisan cooperation to prevent items that are unrelated to our national defense from crowding out time for debate and amendments germane to our national security priorities. Sure, we have had fights over this legislation in the past, and at times they have been pretty heated. But they were debates overwhelmingly focused on national defense. And whatever our differences we had through that process, we came together at the end of the day to keep this legislation focused on our national defense and all who ensure it.

What troubles me is how far off course we have gotten over the past 2 years. Under this majority leader and this chairman, we have witnessed the unfortunate and growing politicization of the National Defense Authorization Act. Time to offer and debate important defense-related amendments to this bill on the floor is being limited or cut off so that the majority leader can push through highly political legislation that has little or nothing to do with national defense—legislation that would never be referred to the Armed Services Committee if it were introduced independently.

The Hate Crimes Act would never have been referred to the Senate Armed Services Committee. The DREAM Act would never have been referred to the Senate Armed Services Committee.

This is turning legislation related to our national defense and military pre-

paredness into a vehicle to force a partisan agenda through the Senate, often on a party-line vote. And their desperation, because they see the November 2 elections coming up, is palpable. What is worse, the majority leader is pushing this controversial agenda under the cover of supporting our troops, knowing that the National Defense Authorization Act is a must-pass bill and whatever else is in it will inevitably become law as a result.

Last year it was legislation on hate crimes. I am not saying this is not an important issue or an issue that the Senate should not have taken up and debated in due time. But hate crimes legislation has nothing to do with our national defense. Of course, the majority and the committee chairman will always get creative on how to interpret "national defense." But the plain fact is, if hate crimes legislation were introduced independently, it would be referred to the Judiciary Committee, not the Armed Services Committee. Yet the majority leader and the committee chairman put that legislation onto the Defense Authorization Act last year, promptly eliminating the ability to offer amendments. Then the Senate spent a week locked in debate over legislation that had nothing to do with national defense—precious time that should have been spent discussing legislation that actually pertained to our military priorities.

Things are only getting worse this year. We learned on Monday that before we go home for this election cycle, there will be no debate at all on the Defense authorization bill, except for what we are told—the majority leader just said he has not decided—but we are told there will be no debate at all on the Defense authorization bill except for three amendments handpicked by the majority leader for narrow political reasons 2 months before an election.

One of those amendments will be on banning the use of so-called secret holds. Another will be, we are told, on the DREAM Act which allows the children of immigrants who entered the country illegally to become U.S. citizens.

Again, I am not saying the Senate should not consider these pieces of legislation, but neither of them would be taken up independently in the Armed Services Committee because they have nothing to do with national defense. The majority leader has no business putting these two amendments on the National Defense Authorization Act—and certainly not two of only three amendments that will even get voted on—at a time when our military is engaged in two wars overseas and when numerous defense issues demand the Senate's time.

That leads us to an amendment to strike the provision in the bill that would repeal the don't ask, don't tell law as the only other issue the Senate will be able to debate and vote on. Unlike the other issues I have mentioned,

a repeal of don't ask, don't tell, while controversial, is related to the National Defense Authorization Act. It is an issue that belongs in the Armed Services Committee. The problem is the truncated process and partisan manner in which the majority is forcing through a de facto repeal of a long-standing law that may have significant ramifications for our military force during a time of two wars, all to fulfill a campaign promise made by President Obama in 2008, barely 2 months before the election.

I want to make one thing very clear: I do not oppose or support the repeal of don't ask, don't tell at this time. I do oppose taking legislative action prior to the completion of a real and thorough review of the law. A complete survey to evaluate the impact of repeal on the men and women serving in our military should be concluded before moving forward. When the Senate does consider taking legislative action, that action should be based on the survey of our men and women in uniform, and their leaders.

Unfortunately and inexplicably, the majority is following an opposite approach. It is pushing for a vote on the don't ask, don't tell law before the Defense Department has concluded its survey of the opinions of our force on an important matter that will directly affect them and their families. The majority is doing this in complete disregard of the views of our men and women in uniform, as well as our four service chiefs—the heads of the Army, Navy, Air Force, and Marines—who are responsible for the battlefield effectiveness of their services. All four of the military leaders wrote letters encouraging Congress to wait until the completion of the survey of the force before taking any legislative action on don't ask, don't tell. Their opinions have been disregarded thus far, and it seems that the chairman and the majority leader do not care about their views either.

The majority will say this amendment does not actually repeal don't ask, don't tell; it merely authorizes its repeal pending a certification from the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that a repeal would not harm military effectiveness. Just those three officials—not the four service chiefs or Congress, for that matter. This is a legislative gimmick and a distinction without a difference.

In reality, the majority is sending a signal to our men and women in uniform that we will not wait to hear their views or give them any due consideration once the Pentagon survey is finished. Instead, the Senate will turn its responsibility to legislate on this important matter over to three officials who have already publicly stated their support for repealing don't ask, don't tell. It is a blatant message of disrespect to our men and women in uniform that Congress is unwilling to even wait to hear what the force has to

say on this important matter before pushing ahead with a controversial political vote less than 2 months before an election.

That is why I am opposed to debating and amending the National Defense Authorization Act at this time. I feel very strongly that we should wait—actually wait—and not take any action on this controversial issue until we hear from our troops on what they think the impact of repeal would be. Then the Senate should take time to consider their views before deciding what we think is the best course of action. The only rationale for doing this now is a transparently partisan and political one.

After limited debate on only three amendments, two of which are not related to our national defense, the majority leader will then apparently push for a final vote on this legislation—or delay until the lameduck session—that also contains a controversial provision permitting abortions in military facilities, an irresponsible cut to the Iraqi security forces, and \$2.8 billion in porkbarrel earmarks that the President did not request and the military says it does not need. There will be no chance to debate these or other defense-related issues.

The effect of all of this is that the majority leader is turning legislation on our national defense into a political football. Debate is limited and unrelated. Politically controversial amendments are crowding out our limited time to debate actual military and defense-related legislation. This is a corruption of the principles and procedures of the Senate if there ever was one, and it disrespects the long-standing traditions of the Senate. It is only making it more likely that the National Defense Authorization Act will one day go the way of so many other authorizations bills, which is to say nowhere.

This kind of transparent politicization of our national defense should anger every Member of this body—Democrats and Republicans. The men and women of our Armed Forces deserve better, and we should demand better.

I regret to see that the long-respected and revered Senate Armed Services Committee has evolved into a forum for a social agenda of the liberal left of the Senate. I will do everything in my power, if we regain the majority, to see that the Senate Armed Services Committee returns to the tradition of addressing only those issues that are totally related to the defense of this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be very brief and save most of the debate for next week, but I do want to respond to a few of the statements my friend from Arizona made.

First of all, in terms of hate crimes amendments, last year when we adopt-

ed this, it was not the first time we adopted it on the Defense authorization bill. We at least considered and adopted, in some cases, hate crimes amendments in the fiscal year 2001 authorization bill, the fiscal year 2005 authorization bill, and the fiscal year 2008 authorization bill. I did not hear my friend at that time make suggestions that somehow the committee had lost its way in terms of bipartisanship.

We have not lost our way. The Senate is a body which has a right to offer amendments which are not germane or relevant to the bill in front of us. This is not the first time that someone wants to offer these amendments. It will not be the last time. For it to produce the charge that somehow or another the committee is no longer a bipartisan committee, it seems to me, is unfair, it is inappropriate, and I reject it.

The Senate has considered amendments on the Defense authorization bill in the last 20 years, not just on hate crimes, over and over again—long before I became chairman, by the way—but we have debated amendments on the Defense authorization bill on indecency standards, minimum wage, managed health plans, welfare reform, and the death penalty for drug-related killings. Those are just a few. I didn't hear anybody make the kind of charge at that time that somehow or other—because the Senate rules were being utilized to bring to the floor of the Senate an amendment which wasn't directly related to the bill in front of us—the committee itself had engaged in some kind of a partisan effort.

The rules of the Senate allow the majority leader to do what he did, and majority leaders have done that in the past. The rules of the Senate allow Senators other than majority leaders to offer amendments which are not relevant to the bill, and Republicans and Democrats have done that before on bill after bill after bill and on Defense bill after Defense bill after Defense bill. I think four times hate crimes has been offered, and I believe adopted, in this body on the Defense bill, but it didn't unleash or produce the kind of charge we have just heard.

The majority leader, a few moments ago, said there is not going to be an effort to limit the consideration of just three amendments, if cloture is invoked. In fact, he is hopeful, and so am I, that numbers of amendments—many amendments—can be considered before the recess. I would like to finish the bill before the recess, if we could. I would like to get time agreements. As a matter of fact, before this last recess, I asked unanimous consent that we move to this bill. I didn't put conditions on it, I just asked unanimous consent that we move to the bill, and I couldn't even get consent to do that.

What is unheard of around here, as far as I know, is what is going on repeatedly now in the Senate—objections, filibusters, and threats of filibusters to move a bill to debate. This

threat of a filibuster isn't a filibuster on the bill; it is a threat to filibuster our debating a bill and offering amendments on the bill. That is what is happening. Denying the Senate the opportunity to legislate on a Defense authorization bill is what is being proposed; that we not even be allowed to move to the bill until certain conditions of certain Senators are met.

There is going to be a lot of time to debate this cloture motion—and I will save most of that debate for Monday—but I do think it is inaccurate to suggest that suddenly there is an effort being made to offer a nonrelevant amendment to a bill in the Senate. Many of our bills have been subjected to nonrelevant amendments because the rules allow it. As the manager of this bill, I always try to figure out a way through that thicket. It is never easy. I have managed enough bills to know it is never easy to get through that thicket the rules provide for—that nonrelevant amendments are permitted. But it is not accurate to suggest, as my friend from Arizona has, that somehow or other last year, for the first time, we adopted a nonrelevant amendment when we adopted hate crimes because we adopted that very amendment on this very bill two or three times before that.

That doesn't even get to the point of all these other amendments which have been adopted, not just on the Defense authorization bill but on other bills which do not relate to the bill on the floor, and I just gave a few examples. Many of those amendments came from the Republican side. But to start suggesting that somehow or other what is happening is unique or novel, it seems to me, is not accurate and does not contribute to handling in a bipartisan manner—and in this I think I share the hope of the Senator from Arizona—the security of this Nation; that it should continue to be, as it always has been, and God willing always will be, a bipartisan matter handled in a bipartisan way by the Armed Services Committee.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, just a short time ago, the Senator from Arizona, my colleague, Senator JOHN MCCAIN, came to the floor and made an issue about the way we are proceeding on the Defense authorization bill. Senator MCCAIN, who is the ranking Republican on the Armed Services Committee, with Chairman CARL LEVIN, objected to several amendments which will be considered under this bill. One in particular is an amendment, a bill which I first introduced in its earliest form in the Senate almost 10 years ago. It is known as the DREAM Act.

The DREAM Act is a legislative effort to solve a serious problem, and the problem is this: There are many young people who were brought to America by their undocumented parents. They came at the age of a few months old, 2 years, 3 years, 10 years of age, 12 years of age. There was no family vote on whether they were coming to America; they were packed up and brought. Some came over legally and then became illegal because their visas were not extended. Some entered the country illegally. In every instance, these were children who were brought with their parents.

These children have grown up in America. They have gone to our schools. They have participated in community activities. They have now reached an age where they are finishing high school, many of them, and they believe they are Americans. It may be the only language they speak, the language of America, and they do not know of another country that they were told by their parents they once lived in.

What is to happen with these children? Under the laws of America, they are here illegally. The simple, direct answer is, they should be deported. But we know that justice calls out for a different approach, a better and fairer approach. To hold children responsible or culpable for any wrongdoing by their parents is something we do not do in any area of the law.

If I am arrested speeding down the interstate and have my grandson in the backseat, they are not going to arrest him for speeding. They will charge me with a crime, but they will not charge him. In this instance, the children in the backseat on this ride to America are being held as criminals.

They have virtually no future, no status, no country, and it is a desperate situation for many of them. Some of them are the best and brightest kids in America. They are the valedictorians of the class, the class presidents, they are the kids who get admitted to the good colleges and universities and want a good life in this country.

But they are stopped everywhere they turn. They cannot qualify for any Federal aid for education because they are not citizens and not here legally. They certainly cannot even enlist in the military, if they chose to, because under our laws, undocumented cannot enlist.

So what is to become of them? I introduced the DREAM Act to say let's at least give them a chance. Here is what the DREAM Act says: If you came to America under the age of 15, if you have been here 5 years, graduate from high school, no criminal record of serious offenses, good moral character, and you go on, in the next 6 years of your life after high school to enlist in our military or to complete 2 years of college, we will give you a chance. We will give you a chance.

Six years after high school, we will give you a chance to petition our gov-

ernment for legal status in America. That is it. What I have been told by many is that this is not only a good and just option for a lot of very young and talented people, but it also has other positive benefits.

Yesterday in my office was a young man named Eric Balderas. I brought his picture to the floor the other day. I met him for the first time yesterday. Eric Balderas is a sophomore at Harvard University. He was born and raised in San Antonio, TX. His mother and father were illegal immigrants to the United States.

He grew up in San Antonio and was accepted at Harvard University. That says a lot. After he was there for a short period of time, he decided he liked science. It turned out he was pretty good at it. As a sophomore, he has set his goal now. He wants to be a cancer researcher. He wants to stay the course, finish his masters, and even go on to an advanced degree so he can do research to find a cure for cancer.

Can we afford to let Eric go? Can we afford as a nation to send him back to Mexico, a place which he knows of but does not count as his home? Can we afford to turn our back on him? I do not think so. I think this is a valuable asset for the future of America. Eric's life should not be wasted. It should be invested in our future.

But there is also an option under the DREAM Act beyond the completion of 2 years of college for those who would enlist in our armed services. Senator MCCAIN came to the floor and he has traditionally supported the DREAM Act. But he raised a question as to whether it had a place in the Defense authorization bill.

I would urge my colleague from Arizona to consider the obvious. The Defense authorization bill is an appropriate vehicle for the DREAM Act because tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law.

The Army says high school graduation is the best single predictor of sticktoitiveness, the kind that is required to succeed in the military. That is required in the DREAM Act. You must graduate high school before you can qualify.

In recent years, the Army has been forced to accept more applicants who are high school dropouts, have low scores on military aptitude tests, and even some with criminal backgrounds to meet recruiting quotas. In contrast, now, the DREAM Act recruits would be well-qualified high school graduates of good moral character.

Many DREAM Act beneficiaries come from a community that is predisposed toward military service. The RAND Corporation found that Hispanic youth are more likely than other groups to express a positive attitude toward the military, and Hispanics consistently have higher retention and faster promotion speeds than their White counterparts. The Defense Department, in

its fiscal year 2010–2012 strategic plan included the DREAM Act as a means of meeting the strategic goal of shaping and maintaining a mission-ready, all-volunteer force.

In 2007, Bill Carr, Deputy Under Secretary of Defense, said the DREAM Act is “very appealing,” in his words, because it would apply to the cream of the crop of students and be good for readiness.

In 2006, then-Secretary of Defense David Chu, testifying before the Senate Armed Services Committee, said: There are an estimated 50 to 65,000 undocumented alien young adults who entered the United States at an early age and graduate from high school every year. Many of these young people may wish to join the military and have the attributes needed: education, aptitude, fitness, and moral qualifications. The DREAM Act would provide these young people the opportunity of serving the United States in uniform.

This was said by the Under Secretary of Defense under President Bush. It is bipartisan and it should be. Military experts also support the DREAM Act. LTC Margaret Stock, professor at West Point, said: Passage of the DREAM Act would be highly beneficial to the U.S. military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

The DREAM Act includes many important restrictions to prevent abuse. DREAM Act students would not be eligible for Pell grants and would be subject to tough criminal penalties for fraud and would have limited ability to sponsor any family members for legal status. The DREAM Act has broad bipartisan support, 40 cosponsors. In the 110th Congress it received 52 votes, a majority of the Senate, which under most circumstances is a winning vote, but in the Senate we require 60 for controversial issues which many Republicans might oppose.

In this case, though, with 52 votes, 11 Republicans joined us in voting yes. According to a recent poll by Opinion Research Corporation, 70 percent of likely voters favor the DREAM Act, including 60 percent of the Republicans.

I say this to Senator MCCAIN. I understand his point about amendments to the Defense authorization bill. I will not get into that particular point. I mean, he can argue that out with Senator LEVIN and Senator REID and they can come to the best conclusion. They tend to work together pretty well under normal circumstances. But to argue the DREAM Act has nothing to do with the defense of this country is to overlook the obvious, a point that has been made repeatedly by the leaders in the Pentagon and Department of Defense; that to give these young people a chance to volunteer to serve our Nation and to risk their lives for our safety and security is good for the military and gives them a chance for a life—a chance for a life.

How can we do this to these kids who came to this country with their parents and who know no other nation? One of these young students said to me along the way: Senator, I dream in English. That is something we ought to remember. For these children, America is the only home they have ever known, the only home they ever want to know.

All they are asking for is a chance. There is a larger issue about comprehensive immigration reform. We need it. I support it. I have worked with Senator MCCAIN on it in years gone by, and we need to return to it. But for this particular group of young people in America, I beg my colleagues, give them a chance. Give these young people a chance.

They are counting on us, counting on us to come through. I do wish to say that this DREAM Act is going to be considered, I hope, next week. If we are successful on the motion to proceed, then we will move forward from there and probably debate it next week. We will need Republican support to pass it, and there should be. It should be a bipartisan bill. In the past, many Republicans have stepped up, understanding this is the right thing to do.

When I speak to some of my Republican colleagues today, there are myriad explanations of why they are not going to vote for it or may not vote for it: Oh, we need comprehensive reform. Maybe this is not the right bill to consider it on. After 10 years, I want to tell you, I do not know how I can continue to face these young people. I do not know how many any of my colleagues can without an effort, without trying.

I urge all my colleagues, over the weekend as they consider this important and historic vote, try to reach out and meet some of these young people. They will make converts of you in an instant. They are the future of America. They are going to be our military leaders and our engineers and our doctors, our lawyers and our accountants, even our Senators and our Congressmen. Giving them a chance to give back to this country is not too much to ask.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, I rise again to honor our Nation's great Fed-

eral employees and, in particular, to celebrate this year's Service to America Medal winners. These are the employees we recognized in the 111st Congress.

Last night, winners of eight awards were announced by the Partnership for Public Service, a wonderful leading nonprofit, nonpartisan organization. One year ago, when I rose from this desk to pay tribute to the 2009 winners, I spoke about the values Federal employees embody: citizenship, hard work, a willingness to take risks, perseverance, intellect, and humility. All nine of this year's awardees exemplify these qualities.

One important value all of this year's winners share is concern for others. Whether rescuing Haitian orphans from a deadly earthquake, fighting against trafficking of minors, or helping Native Americans get access to Social Security benefits, this year's medalists have dedicated their careers and their talents to helping others. They do it for less pay—yes, less pay—and often longer hours than at jobs they could have taken in the private sector. If they receive a large compensation, it is in the form of the satisfaction that their lives are serving a meaningful purpose in service to their Nation.

This year's Federal Employee of the Year Medal was awarded to a Citizenship and Immigration Services officer who helped expedite the adoption of more than 1,100—that is 1,100—orphans in the wake of Haiti's devastating earthquake in January. Pius Bannis was the only American immigration official in the country working on adoption in the first weeks following the quake. He got right to work organizing temporary daycare in our Embassy and ensuring the provision of emergency supplies to Haitian orphanages, including diapers, food, water, and clean clothes.

Pius, in the midst of this Herculean effort, also had to cope with the loss of Embassy staff and their family members.

A naturalized immigrant to the United States himself, he knows firsthand the complexities of the immigration process, which makes him an outstanding CIS officer.

A resource conservation expert at the Environmental Protection Agency, Saskia van Gendt won this year's Call to Service Medal for her work on fostering green building technologies. Millions of tons of materials used in construction are disposed of each year in landfills—a third of our Nation's total solid waste. At the EPA, Saskia has created an innovative program to help spur a green revolution in construction materials. In 2007, she developed the Lifecycle Building Challenge. This annual competition engages architects, students, and builders to develop new designs that reduce the impact of buildings on the environment. Since 2008, Saskia has been working with the StopWaste grant program to encourage businesses to adopt environ-

mentally friendly equipment. The Call to Service Medal that she won recognizes those who have achieved early in their federal careers. Saskia is just 28 years old.

Honoring those who have spent many years in Federal Government, the Career Achievement Medal was won this year by Susan Solomon, a senior scientist in the National Oceanic and Atmospheric Administration's Earth System Research Laboratory in Boulder, Colorado. In her nearly 30 years as a government employee, Susan has been at the forefront of pioneering research into the hole in the Earth's ozone layer. Her research was critical in determining how certain consumer and industrial gases were affecting the ozone, which helped spur the landmark 1987 Montreal Protocol. Last year, Susan led a groundbreaking study that showed how the effects of carbon pollution, such as altered temperatures and changes in sea level, can linger for over a thousand years.

This year's Citizens Services Medal was awarded to a pair of officials also from Colorado. Shane Kelley and Eva Ristow work in the Denver office of the Social Security Administration. They won for their work to expand access to Social Security benefits for those living in impoverished and rural areas using an online two-way video service. For years, the SSA has had difficulties reaching those living in remote areas of the West, in particular Native Americans living on reservations. As a result, many do not know they are eligible to receive Social Security benefits that could drastically improve their families' standard of living. Shane and Eva developed an innovative Internet-based video teleconferencing system to help connect these rural communities to Social Security representatives in Denver. For those whose annual incomes can be as low as \$3,000, this new connection to the SSA—thanks to Shane and Eva—has had a gigantic impact.

As Deputy Director of Intelligence and Security and Chief of Innovative Technology for the Navy's Joint Interagency Task Force South, Sandra Brooks won this year's Homeland Security Medal. Drug smugglers are constantly seeking new ways to evade our border security and customs checks. Sandy is one of the highly dedicated Federal employees working to keep one step ahead of them. Her role is to analyze information from a stream of sources and make sure it is shared quickly with the military, law enforcement, and homeland security agencies in the field. Sandy's efforts have directly led to the capture of over 20 submersible vehicles used to bring illegal drugs into our country. Her work is breaking down barriers that in the past have prevented security agencies from sharing information.

This year's Justice and Law Enforcement Medal was won by Jamie Konstas at the Federal Bureau of Investigation. An intelligence analyst, Jamie helped



create a national online database used in investigations into the trafficking of minors for sex. Before this database was created, local law enforcement officials had few resources to track child victims or information on suspects after they had crossed state lines. Jamie's role is to spot connections and cross-reference clues to break cases wide open. Her tireless efforts have led to the prosecution of over 500 child predators.

The winner of this year's National Security and International Affairs Medal led a U.S. Army team at Fort Detrick, MD, that developed a new kind of medical kit to help troops wounded by roadside bombs. In Iraq and Afghanistan, improvised explosive devices—or "IEDs"—have been used to target our soldiers and have caused many casualties. Teri Glass and her team created a unique medical evaluation kit that has allowed medics in the field to transport wounded troops more safely and efficiently to hospitals. This has significantly raised the survival rate for soldiers wounded by IEDs. The kit Teri and her team developed can convert a range of non-ambulance vehicles into medical evacuation vehicles in less than a minute, using a foldable litter, a rear-facing attendant seat, and a lift system. When not in use, all of it collapses into a portable container the size of a suitcase and can fit in the back of a vehicle. Commanders in the field have credited this device as saving the lives of countless servicemembers.

Last, but certainly not least, the Science and Environment Medal for 2010 was awarded to the Department of Energy's Jeffrey Baker. As the Director of the Office of Laboratory Operations at the Department's field office in Golden, CO, Jeffrey has been the driving force behind the design and construction of the largest net-zero energy office building in the world. This means that the building generates as much or more energy than it consumes. Planning for the Research Support Facility began in the 1990s, when Jeffrey had a vision for a building that would not only house the Department's laboratories but also serve as an example of energy-efficiency. He oversaw the design process and construction, and the building was completed on time and on budget. Today, the General Services Administration is planning to replicate Jeffrey's approach for new federal buildings across the Nation.

All nine of these men and women are excellent examples of what government does right. They deserve our thanks and recognition. So do the 23 other finalists, as well as the thousands upon thousands of Federal employees who achieved great things this year as well.

I was proud to serve on this year's Service to America Medals Selection Committee—a blue ribbon panel that included my colleagues Senator CARPER and Senator VOINOVICH as well as leaders from across the nonprofit and

business sectors and members of the House of Representatives.

I hope all of my colleagues—and all Americans—will join me in congratulating the 2010 Service to America medalists and thanking them for their hard work on our behalf.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN CELEBRATION OF "CHANGE THE EQUATION"

Mr. KAUFMAN. Mr. President, I rise to congratulate President Obama for announcing today the launch of Change the Equation, a CEO-led effort to improve science, technology, engineering, and mathematics education or STEM. I rise to celebrate this incredible effort.

I have spoken many times on the floor, to outside organizations, and to a number of my colleagues individually about my passion for this issue. STEM education is a topic of personal importance to me, especially because I am the Senate's only formerly working engineer.

I truly believe, now more than ever, whether it is energy independence, global health, homeland security, or infrastructure challenges, STEM professionals will be at the forefront of the most significant issues of our time. That is not hyperbole; I believe that. STEM-educated graduates will hold the jobs of the future.

In fact, according to a study by Georgetown University's Center for Education and the Workforce, by 2018, STEM occupations are projected to provide 2.8 million new hires. This includes over 500,000 engineering-related jobs. When I hear people talk about how we are going to create jobs and talk about the macroeconomic effects and microeconomic effects, eventually you have to have jobs. You have to have people who are ready to take those jobs. That is the only way we are going to make it through this economy. In the next 20 years, as the Georgetown study has said, there will be 2.8 million more good jobs to keep us competitive in the United States with overseas.

That is why I am so pleased that the business community has responded to President Obama's educate and innovate campaign to improve the performance and participation of American students in all the STEM fields. Launched last fall, the campaign aimed to create partnerships between Federal agencies, companies, foundations, professional societies, and other STEM-related organizations to help American

students rise to the top of the pack in math and science achievements.

In response to the President's call to action, astronaut Sally Ride, former Intel CEO Craig Barrett, Time Warner Cable CEO Glenn Britt, Xerox CEO Ursula Burns, Eastman Kodak CEO Antonio Perez, along with support from the Gates Foundation and Carnegie Corporation joined to form Change the Equation. With a membership of more than 100 companies, this nonprofit, nonpartisan, CEO-led initiative will replicate successful privately funded programs in 100 high needs schools and communities.

Change the Equation will be working toward three goals: One, improve STEM teaching at all grade levels; two, to inspire student appreciation and excitement for STEM, particularly for women and underrepresented minorities; and three, to achieve a sustained commitment to improving STEM education across the United States of America. I am so pleased because these are some of the same goals I have advocated for during my time in the Senate.

Many Change the Equation members, nonprofits, and foundations have already created new public-private partnerships and made commitments to meet these goals. Public-private partnerships—that is what we need, and this is a great example.

For example, Lockheed Martin, the Military Child Education Coalition, and the National Math and Science Initiative will expand access to advanced placement classes in STEM subjects to public schools serving military families. What can be better than that? Talk about mixing everything together and coming out with something great.

HP is launching a U.S.-wide employee volunteering initiative with Donors Choose and National Lab Day. Other programs will improve professional development for STEM teachers, expand summer science camps for girls, and allow more students to engage in robotics competitions, to name a few.

If you have not seen a robotics competition, see one. It is incredible to see what these young people can do to make robotics. They can do something technologically difficult but have so much fun doing it.

All told, with the commitment made today by Change the Equation, the Educate to Innovate campaign has resulted in over \$700 million in financial and in-kind support for STEM education. This is an incredible accomplishment and just the kind of public-private collaboration we need to bolster STEM education.

Yesterday I submitted a resolution commending the efforts of the entertainment industry to encourage interest in STEM, something with which our Presiding Officer is very familiar. Many in that industry have heeded President Obama's call to join the educate and innovate campaign. The key to this is to make people feel it is cool to be an engineer, a mathematician, or



scientist. What better way than to have leaders in entertainment encourage this kind of activity? It is a wonderful program.

Today, I could not be more pleased that so many of our Nation's CEOs have also paid attention to this call to action and joined together to form Change the Equation. This is wonderful news. Support for STEM education is essential—essential, essential, essential—for our economic growth and recovery. It is the future of our workplace. The American people deserve no less.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRADE IMBALANCE

Mr. SPECTER. Mr. President, yesterday, I filed a report on a trip which I made to China, Vietnam, and Taiwan, but I did not have an opportunity to come to the Senate floor to discuss it. I do so today on a number of the highlights of the trip.

In Beijing, we met with the head of the banking department, who is identified in the filed report, to talk about a number of subjects, the centerpiece of which was currency manipulation. We reviewed the tremendous trade imbalance between the United States and China, much of which is occasioned by manipulating their currency.

Legislation has been introduced and is pending in the Congress, which I have cosponsored, but it has not gone anywhere. There has been comment made by the Secretary of the Treasury and the President himself about currency manipulation, but it has not done very much to correct a very bad situation. The Chinese have suggested officially that they would be willing to make some modifications, but what they have done so far has been very little.

In the conversation with the head Chinese banking official, he didn't give any ground, really. I also discussed with him the issues of subsidies and dumping, which have been rampant, taking away thousands of jobs in the United States. That was the subject of more extended discussion with the No. 2 Chinese official in their equivalent of our Department of Commerce, identified in the written report which I filed yesterday. We have seen some of our successful actions before the International Trade Commission. For example, last year we had a matter involving tires where the International Trade Commission found in favor of the petitioners and imposed duties. We were successful in a case involving tubular pipe. Earlier this week, I was the lead witness—as I had been on the tubular case and on the tire case—on seamless

steel before the International Trade Commission.

What we have seen with the Chinese practices on subsidies and dumping is a flagrant violation of international trade law. Before the International Trade Commission and I believe on the floor of the Senate, I have characterized it as international banditry. That is clearly tough talk, but I think it is accurate when there are repeated violations of international law.

When I discussed these issues with the No. 2 Chinese official in the Department of Commerce, again there was very little give—talking points, sticking with them. When I talked about subsidies, he brought up our practices on farm subsidies. I pointed out the total differences which were involved in those matters.

From China, we traveled to Hanoi and there met with a number of officials. There was a very interesting meeting with a historian who was identified in the report filed yesterday. It was fascinating to talk to somebody on the perspective of what the history of Vietnam is. He pointed out that in a few weeks, Hanoi will celebrate its 1,000th anniversary as a city. We pride ourselves on the settlement in Philadelphia—especially Philadelphia but Boston and other American cities. In tenure, it pales into insignificance when you talk about a city which has been in existence for 1,000 years.

When I talked to him about Chinese trade practices, he said: Well, they are very difficult. I talked to him about what China is doing in the China Sea, which has been a subject of international notoriety when our Secretary of State, Hillary Clinton, made comments that those were matters of importance to the United States. What China is doing there is going into the island areas where you have islands long held by Taiwan or by the Philippines or by Vietnam and others, rich in minerals, and asserting control and really acting like the bully they are in that issue, as well as on trade matters.

I was fascinated to hear the historian recount 13 invasions by China against Vietnam. Although it is not exactly the same, I wondered and speculated about U.S. action in Vietnam, going into Vietnam to protect Vietnam from the incursion of the Chinese Communists. Vietnam seems to have done very well for itself for centuries. In a context where China has tried to invade them, they have been able to protect themselves.

From Vietnam, we traveled to Taiwan and there met with the President of Taiwan and had a very extensive discussion about their economy and their trade practices. I was interested to note that the People's Republic of China, the mainland, and the Republic of China, Taiwan, have signed a trade agreement. They do it through corporations, but they are obviously backed by the state. It appears to me that is almost tantamount to tacit recognition, when mainland China nego-

tiates with Taiwan in that context. When I discussed it with the officials, they all said: No, no, it is not tacit recognition; the People's Republic of China still maintains that there is one China. But some 20 countries have recognized Taiwan as an independent government, and they are moving ahead and have some 15 treaties between the 2 countries. They are working it through on what appears to be a fairly extensive normalization of relations.

Although the President of Taiwan was very interested in having the arms sold by the United States, I pressed him on whether it was realistic, really a measure that they could defend themselves, or whether it was symbolic. I did that in the discussions with other officials in Taiwan.

It appears to me that we might consider revising our policy on the sale of arms to Taiwan where we have an irritant to mainland China that doesn't really accomplish very much. We recently have sold Taiwan some \$4.6 billion worth, which is very substantial, but if the People's Republic of China, mainland China, decided to invade Taiwan, the defenses they have and their request for additional fighter planes, which has not been granted—all of that would not be sufficient to stem the tide.

While in Taipei, Taiwan, we visited the 101 building, 101 stories. It was completed a few years ago, and at that time, it was the tallest building in the world. It has since been supplanted. It was quite an experience to be 101 stories above the ground, visiting the towers. As is known, when a building is that tall, it sways. But they have three enormous balls—I do not have the precise measurement but perhaps 50 feet in diameter. One of the balls is at the apex of the building, right at the top, with huge springs, so that when the building sways, the ball and the springs keep it in an upright position. I have been in some tall buildings in the United States and felt the sway, but this is remarkable. We were told there are three enormous balls in the building.

I wish to supplement the written statement filed yesterday with a supplement, an addendum to the written statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUPPLEMENTAL STATEMENT ON FOREIGN TRAVEL CHINA

(Meeting with Wang Chao, Vice Minister of Commerce, Aug. 9, 2010)

In my meeting with Wang Chao, Vice Minister of Commerce, he provided a history and snapshot of the Chinese economy. He indicated that since 1979, China has tried to foster positive commerce and economic growth. At the time of the revolution, China's economy ranked 15th. Today it is 2nd. However, the Minister pointed out that China's GDP per capita still ranks in the 100s and therefore is still a developing economy. Many regions in China, especially rural areas, lag behind the industrialized cities.

I pressed him on what is viewed as unfair economic practices. The Minister replied that China will continue to reform its economy and integrate with the international economy. The balance of trade between the US and China was 2.5 billion in 1979. Last year it registered over 300 billion. Today, 58,000 US companies have a presence in China representing a total of \$63 billion in investment. I encouraged Mr. Wang to implement policies that would increase China's investment in the US which stands at 3.3 billion.

I shared the history and plight of the steel industry in the United States and how practices such as dumping have caused significant unemployment. The Vice Minister countered with complaints about US agriculture subsidies, the plight of Chinese farmers, the United States' refusal to recognize China as a market economy and its unwillingness to ease export controls on non-defense high-tech products.

#### VIETNAM

(Meeting with Duong Trung Quoc, Historian and Assembly Member, Aug. 12, 2010)

On Thursday, August 12, I had the opportunity to meet with Mr. Duong Trung Quoc, a member of the National Assembly and a noted historian. Mr. Duong is one of the few members of the Assembly who is not a member of the communist party. He provided me with a history of the region with a special focus on Vietnamese-Chinese relations. Mr. Duong informed me that China had invaded Vietnam on 13 occasions. He noted that October 2010 will mark the 1,000 year celebration of Hanoi. I told Mr. Duong that on the way to our meeting, I had the opportunity to visit the Ly Thai To statue. Mr. Duong provided some background on the founder of the Ly dynasty and the two decades during which he ruled. Interestingly, Ly Thai To launched a pre-emptive strike on China in an effort to prevent and invasion.

The conversation turned to China's regional and global ambitions and its hegemonic statements and actions in Southeast Asia. I asked if China was attempting to dominate the entire region. Mr. Duong said that China's policy is to get more power and that they have difficulty acknowledging other countries and rights in the region.

I asked about the claims of various countries over islands in the South China Sea. Mr. Duong said that China's goal is to have them all as their territory. He told me that all Vietnam wants is to enjoy its sovereignty and rights and territory consistent with international law.

I asked Mr. Duong about what could be done to resolve the conflict on the Korean Peninsula. He responded that China could do much more to resolve the matter, but that they use the conflict as a tool in its bilateral relationship with the United States.

I asked how Mr. Duong has survived as a politician while remaining outside the communist party. He informed me that the government does not pressure him and that he has been able to operate freely. He further stated that of the 85 million residents in Vietnam, only 5 million are members of the communist party. However, 95 percent of the members in parliament are members of the communist party. He stressed a need to have more non-party members in the Assembly. I asked if moving Vietnam towards a market economy could have a positive impact in growing non-party participation. He indicated it could be a step towards forming a two party or multi-party system but that it could take a very long time.

#### TAIWAN

(Working Lunch, Dr. Lyushun Shen, Deputy Minister of Foreign Affairs, Aug. 15, 2010)

The Deputy Foreign Minister provided a unique background in that he had lived in

Philadelphia and was stationed in the Midwest while serving with Taiwan's foreign ministry. The forum provided an opportunity to candidly discuss issues of importance in our bilateral relationship as well as those impacting the region.

We discussed the impact of Taiwan 101—the second tallest building in the world—and what prestige that has brought to Taipei. We discussed Taiwan's economy and the impact of the economic downturn.

I asked the Minister what could be done about North Korea. He indicated that the multilateral discussions should continue to resolve the conflict. On the issues confronting the cross-strait relations, the Minister was optimistic about the future. He provided a background on what steps and agreements have been made between Taipei and Beijing with an emphasis on the Economic Cooperation Framework Agreement struck between both sides. This agreement will remove barriers on trade and provide enhanced access for imports and exports. I asked if this continued economic integration will provide a framework for both sides to move peacefully in the future. The Minister was optimistic it would be coupled with the vibrant social integration between the people of Taiwan and mainland China.

#### TAIWAN

(Meeting with Wang Jin-pyng, President of the Legislative Yuan, Aug. 16, 2010)

At 9:30 am on August 16, I was hosted at the Legislative Yuan by Wang Jin-pyng. I noticed a small protest outside the building and the President commented that demonstrations occur every day much like Washington, D.C.

I asked about the impact of the trade agreement between the Republic of China and the People's Republic of China. Wang Jin-pyng informed me that the Economic Cooperation Framework Agreement (ECFA) was being discussed at the Yuan during my visit and that legislators were reviewing the text which is set to take effect in July 2011. He indicated that there were already fourteen agreements between Taipei and Beijing.

I asked if this agreement signifies a certain recognition of the island by Beijing and that perhaps China was moving from non-recognition to non-denial. I was told that Beijing's goal is still full reunification. The head of the Yuan stated that the Republic of China, which is commonly referred to as Taiwan, is recognized by more than twenty countries but that mutual recognition is still far away.

I asked if Taiwan had steel interests, dumped and subsidies like mainland China and what, if any, trade disputes were outstanding. He indicated that napkin towels have been dumped by China which forced Taiwan to levy a heavy duty. He also indicated that Taiwan provided money in its budget for industries to transition as the ECFA may force some industries to go out of business.

The conversation shifted to China's hegemonic actions in the region. Many entities in the region, including China and Taiwan lay claim to islands in the South China Sea. A concern I heard repeated during my travels is China's power grab on territory and seas which could yield them rights to oil and gas. The Taiwanese stated that any outstanding disputes should be resolved peacefully between all interested parties.

When I asked about what could be done on the North Korean issue, Wang Jin-pyng stated that Taiwan does not have the capacity to deal with North Korea but that bilateral talks should be resumed between the North and South. He indicated that China could play an enhanced role and provide much needed economic assistance to North Korea

as an incentive. He stated that the US-South Korean joint military exercises are good because they put pressure on North Korea and demonstrate resolve. He further stated that the issue of succession in North Korea is a driving force which may impact posture and actions but that the economic situation in the North is so bad that we should continue to supply humanitarian aid. Wang Jin-pyng believes that economic normalization in exchange for security is the key to resolving the issue.

I asked about the importance of F-16 sales to Taiwan and their real benefit in any cross-strait conflict. I was informed that the sales are both substantive and symbolic in showing backing for Taiwan and aiding in any future cross-strait negotiations and talks. Further, Taiwan has a duty to its people to provide defense of the island.

Mr. SPECTER. In the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts about the surprising decisions that were noted in some of the media that the majority leader, certainly with the support of the administration, plans to introduce a very significant, very controversial, unacceptable amnesty amendment to the Defense authorization bill. The proposal is called the DREAM Act.

A lot of people think this is legislation that we need to deal with, and some have supported it over the years. It has been coming up for quite a number of years and never passed. So what do we have now? We have a scheme to bring it up, not having had it go through the committee process. The bill was introduced March 2009. I assume that is what Majority Leader REID plans to bring up, but we have not been given the amendment language. So they have got this DREAM Act proposal. They want to add it to the Defense bill, and put it on a bill that is so important they think the Congress will pass it anyway. Pass it as part of the Defense bill. We are weighing down the Defense bill—I am on the Armed Services and Judiciary Committees where both of these matters have come up. They want to weigh down this armed services bill with controversial legislation that ought not to be on it, to jeopardize it and put us in a position where a lot of good people who otherwise want to support the bill will not be able to do so, No. 1.

No. 2, let's talk about the DREAM Act. The American people have every right to be unhappy with this Congress. They have every right to be unhappy with the President of the United States. This Congress and this President have not shown any inclination to end the massive lawlessness that is occurring at our borders. We have learned

that. We went through this debate several years ago. I was engaged in it deeply, spent a lot of time and effort on it, and the message the American people sent to us, when they shut down the switchboards in this Senate by so many phone calls, was border security first. We have got to end the lawlessness. So when you take a policy that says you are going to reward people who have entered our country illegally with a guaranteed pathway to citizenship, and with billions of dollars in financial aid or benefits they would not otherwise be entitled to, what message are we sending? We are sending a message, as we have too often sent year after year after year, that we are not committed to a lawful process of immigration in our country.

Let me say, a lot of people some years ago thought that we could never get to a legal system of immigration. And we can. We have made some progress. We have built a fence—not all that was supposed to be built, but the fencing has helped. We have done some things that have helped, but we are not there yet. I believe there is a national consensus out there—polling data shows it. My conversation with my people in my State and around the country in airports and so forth indicates that what we have to do is end the massive illegality and then we can begin to talk about people who have been in our country a long time. I am not saying that is something that should never be talked about and dealt with. But in 1986, this country said, well, we have got a lot of people here illegally. What we have got to do is to make them all legalized and that will end the problem, see. Everybody will be legal then. We do not have a real problem anymore. We promise we will enforce the law in the future.

Well, the amnesty took place immediately and the ending of illegality did not occur. In fact, illegality increased dramatically. Why? Because the message that went out, not the words that were said by politicians on the floor of the Senate, but the real message that went out around the world was, Americans do not care if you get in the country illegally and if you can stay there for a while, you are going to get amnesty too.

It is the same people today who are making the same argument. It cannot sustain scrutiny. It cannot sustain any critical analysis. It will not work. It is a failed policy.

Look at the DREAM Act. It would eliminate the statute passed a little over 10 years ago in 1996 that said, if you are in the country illegally, you should not be given in-State tuition. A really big deal. Oh, it is mean spirited. If you are in the country illegally, I am not sure what you should be entitled to, but certainly not discounted tuition or Pell grants, or student loans.

The first thing you do when you want to end illegality on immigration policy is stop subsidizing it, for heaven's sake. Stop subsidizing it. What kind of mixed

message is it when you have people in the country illegally and you give them special benefits, including Social Security and other benefits too?

They will be given a green card that has certain conditions. But, in fact, basically, I would say if you do not commit a felony, you are put on a guaranteed path to citizenship. Well, oh, you have to go to school or get a GED or be enrolled in a community college. What happens when you do these kind of things? I mean, there are people here who have nephews and nieces, children not in this country. They read that we passed such a bill as this. Why would they not think, well, I need to see if I can get my relatives in, my grandchild or whoever, in this country illegally.

They are not allowed to come in. Everybody else has to wait in line, maybe hire lawyers to make sure they can get their entry into the country legally. I will bring in my niece, my nephew, and they will qualify for this act in a few years. Why would that not increase the amount of people who would come into the country illegally? It certainly would do so. We have discussed these issues before.

This is a bogus policy. And after a few years, you are placed on a path to become a full citizen of the United States, ahead of millions of people who waited in line dutifully to get their citizenship. It is a reward for illegality. You can spin it any way you want to. We discussed this for years in this body. It will not stand scrutiny. It is not good policy.

I understand some of my colleagues are saying this is somehow relevant to the Defense bill, because there is an option to serve in the military for two years that will put you on a path to citizenship. Well, there are programs already for people who join the military to enhance their ability to get citizenship.

But this bill is plainly legislation that has been kicked around here for a decade, at least, and it has never been brought up as a Defense bill. It has always been brought up as an immigration bill, which it plainly is. So now to come in and try to say it is somehow connected because of this minute possibility, that 5 percent, probably at most, would demonstrate their educational advantage through the military is a stretch. I want to repeat: What is happening here? This administration, it has been reported, is having internal analyses done to determine how amnesty can be given without congressional action.

They have announced recently that people apprehended in our country illegally will not be deported unless they have committed a felony, presumably DUI or larceny, misdemeanor theft. So as long as you do not plead guilty to a drug felony, that will not lead to deportation.

That is the kind of action that eviscerates enforcement. We do not need to be having that kind of policy in our country. We had the spectacle, shortly

after President Obama was elected, when a hard-working, honest ICE agent conducted a raid at a company in Beltingham, Washington and found a whole bunch of people there illegally working, and it caused an uproar.

Secretary Napolitano said, I am going to get to the bottom of it. Was she getting to the bottom of this company that hired a bunch of illegal aliens? No. She was going to get to the bottom of how it was that a law enforcement officer actually had the gumption or the initiative to go out and try to enforce the law in this country. They announced a policy based on campaign promises they had made during the campaign that they were not going to do that anymore. And, presumably, I am not aware of any that have been conducted since. They have people from immigration advocacy groups running to the administration in high concern—you promised us you would not enforce this kind of law.

What do the American people think about this? They are not happy. People should not be happy about it. We are a nation of laws. We need to end the lawlessness. I was a Federal prosecutor for 15 years. I know something about how this has played out, and I have looked at it closely over the last decade. It was not something I chose to be involved with. We almost had to raise a question and begin to examine it.

What I have discovered is, the potential is there, it is within our grasp, to be able to end this massive lawlessness and create a lawful system.

At that point, we will be able to involve the American people and then ask how should we treat people who might have come here young and have been here quite a number of years? How should they be treated? But to do anything that creates a guaranteed path to citizenship for people who are here illegally now will only undermine the progress we have made in enforcement in recent years. People can wish things were different. But in my analysis, we simply have to follow through on the law of the land, to end the lawlessness. We may need to pass legislation to help, and we will. But we also have to have the will of the Commander in Chief, the chief law enforcement officer, the President of the United States. We have to have the support of the majority leader of the Senate, the Speaker of the House, and the majority party in the Senate. They have to be committed to ending lawlessness. Are they or are they not? They will say they are. But I would say this DREAM Act gimmick, this manipulation to stick it on the Defense bill is a clear statement that they are not committed to it.

In fact, what they are committed to is a political plan to assuage some campaign promises made last time and to provide another method of legalizing those who have entered the country illegally. That is not right.

What are we going to do? Let's get busy. Let's end the lawlessness now.

We can do this in a few years. It is not going to break the bank. I have been there and looked at it and studied it. If we followed up on the gains we have made, we would make even more and be in a position to wrestle with these kinds of issues.

My concern is the following: First, it ought not to be on the Defense bill. It ought to come through in the regular order and in the light of day so people can have hearings and testimony, and citizens who are concerned about it on either side can have their view and their say. Secondly, we don't have the money. Estimates I have seen have indicated that this bill, amazingly, could cost the Treasury of the United States \$19.2 billion just for the first 2 years. Where are we getting that money from? We are already in record deficits, having almost doubled the debt, and will triple the debt in 8 more years. We are going to add another \$19 billion to subsidize illegal activity? In addition to that, Social Security entitlement benefits, welfare, Pell grants, student loans, all those would be added to the cost also.

Are there any funds to investigate whether someone is qualified? It may be that the average American hearing this debate says: These people came here at age 3. They should qualify for in-state tuition, even if they illegally came here. But those qualifications, coming here at that age, is not the requirement, first. No. 2, they only have to prove they have been in the country for 5 years. How do they prove it? They produce false documents. This is commonly done. How do they prove they came here at age 14, age 12? They may or may not have documents.

Do you think the FBI is going to take a document submitted to the immigration people to justify qualifications under the DREAM Act? Does anybody think the FBI is going to investigate to see if these are forged documents? Nobody is going to check this out; they don't have time. There is no money in the legislation to do so, no requirement that I can see to do so.

I know illegal immigration causes significant social and emotional problems throughout society. Some would say the way to remedy it is to not let anybody suffer any consequences as a result of violating the laws of the United States. Just don't enforce the laws. Reward the people who came in here illegally. Don't do anything about it.

Of course, on the surface that is untenable. But when you come up with a plan that simply says if you are in our country illegally, you don't qualify for in-state tuition, or you don't get subsidized student loans if you came into the country illegally, this is seen as harsh and mean spirited and should not occur. But great governments have to decide how they are going to conduct their business, and they have to decide whether we are going to end this lawlessness and have a lawful system of immigration.

This country, by the American people, has made up its mind. They have told the Congress what they want. But the arrogance, the total disrespect of the decent, honorable plea from the American people to end the lawlessness and create a system we can be proud of is surprising to me. I would think the Congress, after all we have been through, would have understood that the plea of the American people is not mean spirited. It is not unfair. It is quite legitimate and decent. We believe in immigration. We want immigrants to come to the country. We believe they should apply. We believe people who qualify should come here before people who do not qualify. That is what America is all about. That kind of legal system is one of the things that attracts people all over the world to come here. It should not be undermined.

If we do the right thing, we will reject this amendment. Hopefully, it will not even be brought up. Please, I hope it is not brought up. It is just going to cause a lot of frustration and tension on the Defense bill that ought to be focused on the men and women in harm's way and how to help them do their job better and more safely. I hope it does not come up. But if it does, it needs to be voted down. We need to tell the President, tell his Secretary of Homeland Security and his ICE department, tell Members of Congress we are tired of fooling around. Let's get busy and complete the job and create a lawful system of immigration of which we can be proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOODWIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### SERGEANT STEVEN DELUZIO

Mr. DODD. Madam President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army National Guard soldier SGT Steven DeLuzio of South Glastonbury, CT.

Sergeant DeLuzio died August 22 during a fierce small arms attack while serving with the Vermont National

Guard in Paktika, Afghanistan. He had only 19 days left before he was due home to his family and loved ones.

Sergeant DeLuzio graduated from Glastonbury High School, where he was a born leader and active in school activities. He served as freshman class secretary and is best known for leading the Glastonbury hockey team to a State championship his senior year as cocaptain. Feeling a call to serve after the events of 9/11 he signed up to serve with the Vermont National Guard in 2004, just like his older brother, Scott. He served one tour of duty in Iraq in 2006 and was deployed to Afghanistan in March of this year.

In his too short time, Sergeant DeLuzio proved himself as a selfless and heroic soldier. Many in the small town of South Glastonbury speak of Steven as always putting family and country first. His father, Mark DeLuzio, told the local paper that "Steven is a hero and the greatest son." Due to his heroic actions on the day of his death, Steven was posthumously awarded the Bronze Star and Purple Heart.

As a tribute to such an extraordinary young man hundreds of mourners attended funeral services for Steven this past weekend at St. Patrick's church in South Glastonbury. His brother, Scott, who is currently serving in Afghanistan as well, said that Steven was "a best friend. He was more than just a brother. He was all you can ask for in a friend."

Steven DeLuzio was a man of dauntless courage and bravery. His service and his sacrifice are a credit to his parents, Mark and Diane. I know how proud they, along with the rest of their community, are of him, and I hope they know that we grieve alongside them. They, along with Steven's fiancée, Leeza Gutt, are in our hearts.

Our freedom is won and our country endures because of the selfless sacrifice of heroic young men and women such as SGT Steven DeLuzio. All of us in Connecticut and across America mourn this tragic loss, and none of us will ever forget the debt of gratitude we owe to him and his family.

#### LEGACY OF AGENT ORANGE

Mr. LEAHY. Madam President, during the Vietnam war more than 20 million gallons of herbicide known as Agent Orange, much of it containing the highly toxic chemical dioxin, were stored, mixed, handled, and sprayed by U.S. airplanes over millions of acres of forest and farmland in Vietnam. Since then, dioxin has been linked by the U.S. Institutes of Medicine to various cancers and other debilitating diseases, as well as birth defects. The International Agency for Research on Cancer and the National Institute of Environmental Health Sciences classify it as a human carcinogen.

Millions of Vietnamese citizens and U.S. military personnel were exposed,

in one way or another, to Agent Orange, and its effects have been a subject of controversy for more than three decades. Today, the U.S. Veterans Administration recognizes 12 diseases and 1 birth defect related to herbicide exposure and recently added 3 more diseases as eligible for compensation from the Federal Government.

Thanks to the efforts of U.S. veterans who suffered from the effects of dioxin, their needs have been recognized and are finally being addressed. But in Vietnam, where the government lacks the resources to either clean up the residual dioxin contamination or to adequately assist those who have suffered health problems, the legacy of Agent Orange remains a difficult and emotional subject for U.S.-Vietnamese relations.

On the one hand, the Government of Vietnam for years blamed Agent Orange for seemingly any case of birth defect in the country, no matter how farfetched. On the other hand, the U.S. Government consistently denied causation between Agent Orange and birth defects in Vietnam and refused to accept any responsibility for the alleged harm. For years, the issue remained a contentious one for our countries.

Then about a decade ago, thanks to an initiative funded by the Ford Foundation and with the participation of the U.S. Environmental Protection Agency, research was done that went a long way toward dispelling the myths about the extent of contamination, as well as identifying where the most serious threats remain. Some 28 “hot spots” of varying degrees of dioxin contamination were located where Agent Orange had been stored or handled, often resulting in extensive spills and leakage into the soil or groundwater, from where it moved up the food chain. The sites with the worst contamination are the Da Nang, Bien Hoa, and Phu Cat airports. For example, in the area of the Da Nang Airport, dioxin levels in soil, sediment, and fish were documented as 300 to 400 times higher than what is considered safe. And the contamination is passed genetically from one generation to the next.

In 2006, the same year that a Joint Advisory Committee of U.S. and Vietnamese Government agencies was established to discuss ways to address this problem, the Department of State and Foreign Operations Subcommittee, which I chair, provided \$3 million for “environmental remediation of dioxin-contaminated sites and related health activities in Vietnam” for fiscal year 2007. An additional \$3 million was provided for fiscal year 2009 and the same amount again for fiscal year 2010. The 2010 Supplemental Appropriations Act includes \$12 million for these purposes, and S. 3676, the Senate version of the fiscal year 2011 Department of State and Foreign Operations bill, which was reported by the Appropriations Committee on July 29, 2010, includes another \$15 million. Chairman FALEOMAVEGA of the House Sub-

committee on Asia, the Pacific, and the Global Environment has held two hearings on the issue, and in July, Senators HARKIN and SANDERS traveled to Vietnam and visited the Da Nang site.

The Government of Vietnam also provides tens of millions of dollars for small monthly payments to persons with disabilities believed to have been caused by Agent Orange, as well as some funds for dioxin cleanup. The Ford Foundation has provided \$14 million for activities in Vietnam related to Agent Orange. These include dioxin containment at the Da Nang Airport, services and opportunities for people with disabilities in eight particularly affected provinces, and to support the work of the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, a binational committee of scientists, educators, and policy analysts. Other U.S. philanthropic organizations, including the Gates Foundation and Atlantic Philanthropies, as well as several governments and United Nations agencies, have also contributed, while U.S. nongovernmental organizations have implemented programs to deliver services to affected people. American companies have also been exploring greater business partnerships with Vietnam and contributing to education and other efforts. The Dialogue Group's Plan of Action calls for a 10-year effort that would combine continuing U.S. and Vietnamese Government support with support from nonprofits and corporations that have business relationships in Vietnam. These would all be helpful steps.

My own interest in addressing the legacy of Agent Orange evolved from the use of the Leahy War Victims Fund in Vietnam to assist persons with disabilities, primarily victims of landmines and other unexploded ordnance left over from the war, and my efforts to address the problem of civilian casualties and to assist innocent victims of the military operations in Afghanistan and Iraq.

Since 1988, through the U.S. Agency for International Development and implementing partners, including the Vietnam Veterans of America Foundation and Vietnam Assistance for the Handicapped, the U.S. Government has provided tens of millions of dollars through the Leahy fund for medical, rehabilitation and vocational assistance, training, and equipment. However, no one knows how many of the beneficiaries of these programs may have been disabled as a result of exposure to Agent Orange, and large areas of the country still lack services for people with disabilities.

In 2007, it was Bobby Muller, the former president of Vietnam Veterans of America Foundation, who had been instrumental, indeed indispensable, in promoting postwar reconciliation and the eventual normalization of relations with Vietnam, who suggested to me that the U.S. Government needed to do something about Agent Orange. Vietnam and the United States were mak-

ing progress on so many fronts, from locating the remains of MIAs to cooperation on HIV/AIDS and expanding tourism and trade, that it made no sense for the issue of dioxin contamination to remain a sore point. I agreed that we should try to turn this contentious issue into one on which both countries could work together.

Since then, while it has taken far longer than I would have liked to develop a plan for utilizing the funds, the administration is now at the point of identifying the most cost-effective remediation technique for Da Nang, and, as I have noted, we are fortunate that in the meantime other donors have joined this effort.

We also need to look forward. In Senate Report 111-237 accompanying S. 3676, the Appropriations Committee directs USAID, in consultation with the Department of State, the Government of Vietnam, and other interested parties, to develop a multiyear plan for Agent Orange activities in Vietnam. This plan, which should reflect input from interested parties with a history of working on this issue such as the Ford Foundation and the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, should identify the key activities for the environmental remediation and health/disability components of this effort, indicate how U.S. funding will be coordinated with and complementary to the contributions of other donors and how nongovernmental organizations, including nonprofits and businesses, can play constructive roles. It should set clear goals, benchmarks for measuring progress, and estimated costs associated with these activities. In doing so, we will not only chart our way forward, we will demonstrate to the Government of Vietnam and its people that we intend to continue to play a central role in this effort.

To that end, I want to emphasize the importance of the health component. While the soil and sediment remediation is critical and has received the most attention, it would be hard to overstate the importance the Vietnamese give to addressing the needs of people who have been harmed. While it may not be possible to definitively diagnose Agent Orange as the cause of a person's disability, the plan should include surveys or other steps to locate people who suffer from disabilities that may have been caused by dioxin, so they can be helped. An expanded involvement by nonprofit organizations, businesses, and philanthropies remains key to this humanitarian effort, and there is no longer any reason for hesitancy on the part of U.S. companies in Vietnam in supporting such work.

After a tragic war that left deep scars in both Vietnam and the United States, we have become partners on a wide range of issues. We still have our differences, particularly concerning human rights, but we want to make progress in whatever ways we can. The legacy of Agent Orange, for years an issue that divided us, is now one that is bringing us together.

## RETIREMENT SECURITY

Mr. KOHL. Madam President, I rise today as chairman of the Special Committee on Aging to talk about retirement security in America. In recent years, workers have seen their savings take a hit, with many wondering whether they will ever be able to retire. The current retirement income deficit—in other words, the gap between what Americans will need in retirement and what they will actually have—is \$6.6 trillion, according to the nonpartisan Center for Retirement Research at Boston College. Now more than ever, we need to strengthen our Nation's pension and 401(k) systems so that Americans can protect the retirement savings they work a lifetime to earn.

In doing so, we must recognize that today's retirement savings vehicles look a lot different than they did a generation ago. Our current system increasingly places the responsibility for saving on the individual, meaning that people have to make retirement decisions on their own because many employers are not doing it for them. That is why the Aging Committee is working to give people more guidance, more tools, and more protection.

Many Americans are increasingly relying on 401(k)-type defined contribution savings plans to fund their retirement. Having a 401(k) requires an individual to make several proactive decisions, including the decision to save, how much to save, how to invest their savings, whether to take loans out, and how to make their savings last through retirement. The committee's focus has been on helping participants make better decisions. After all, a person should not have to be a financial planning expert in order to plan for a secure retirement.

We are discovering that the best system would have certain automatic features, such as automatic enrollment with escalating contribution rates and target date funds that adjust automatically, combined with options to opt out for those who want to create their own portfolio. We are pushing for more retirement coverage through ideas like better target date funds that are designed in the best interests of participants.

We are collaborating with the Department of Labor on many of these issues and also introducing our own bills in some cases. Senator TOM HARKIN and I introduced a bill to require the disclosure of 401(k) fees to participants. A small difference in fees, compounded over a lifetime, can make a huge difference in overall savings. I commend the Labor Department for recently issuing regulations that will bring greater transparency and disclosure of 401(k) fees and make it easier for employers to ensure that their plans' fees are reasonable, and I look forward to reviewing the Department's participant fee disclosure regulations when they are issued this fall. Senators BINGAMAN, ISAKSON, and I have intro-

duced the Lifetime Income Disclosure Act, which would have 401(k) statements translate the balance into a potential stream of retirement income. This will help participants save and plan for an adequate retirement. I am also working with my colleagues to ensure that oversight of the Pension Benefit Guaranty Corporation, the entity that insures the pensions of more than 44 million workers and retirees, is strengthened.

Of course, we cannot talk about retirement security without talking about Social Security. The Aging Committee recently released a report that lays all the options on the table for making it secure over the long term. We also must make sure that those who rely on it the most are protected. Finally, one of the most important ways to have a secure retirement is to work longer. We are focused on the removal of barriers to working past retirement age for those who choose to do so. Our efforts will keep people in the labor force and encourage employers to offer the benefits and flexibility many are looking for later in life.

In closing, I would like to applaud the many advocacy groups that are striving to create a universal, secure, and adequate pension system. Their efforts to bring necessary attention to the important issue of retirement security are appreciated. Together we will continue our work to improve retirement security for all Americans.

Mr. HARKIN. Madam President, I rise today to speak out in support of Retirement USA's "Wake Up, Washington!" Month and to wake up my colleagues to the looming retirement crisis in this country. The public has already woken up. A recent survey found that 92 percent of adults aged 44 to 75 believe there is a retirement crisis in America. Now it is time for Congress to address this crisis before it is too late.

We are already seeing the beginnings of the retirement crisis. Just look at all of the older Americans forced to delay retirement or go back into the workforce because of the economic downturn. If we do not change course, it is going to get much worse.

Next year, the first baby boomers will turn 65, and it is clear that many are not prepared for retirement. According to the Employee Benefit Research Institute, nearly one-half of them are at risk of not having sufficient retirement resources to pay for basic retirement expenditures and uninsured healthcare costs.

The picture is not any better for the rest of American workers. Thirty-one percent of workers do not have any retirement savings at all, and 43 percent of workers have less than \$10,000. If those numbers are not sobering enough, the Center for Retirement Research at Boston College calculated America's retirement income deficit for Retirement USA. They estimate that the gap between what people need for retirement and what they actually have is \$6.6 trillion. That is a scary number.

There simply is no question that retirement is getting less and less secure in this country. In the past, people relied on the "three-legged stool" of retirement security—private pensions, personal savings, and Social Security—but that stool has gotten awfully wobbly. Over 40 percent of workers lack access to any employer-sponsored retirement plan at all, the rising cost of living and stagnant wages are making it tougher for people to save, and our Social Security system is under attack.

It used to be that many workers could rely on defined benefit pensions. Those plans are one of the best ways to ensure that workers have a secure retirement because they provide a predictable, guaranteed source of income that workers can count on for the duration of their lives. But, unfortunately, the traditional defined benefit pension is an endangered species. The number of employers offering these plans has fallen drastically over the past three decades. Now, less than 20 percent of workers in the private sector have the security of a defined benefit pension.

The vast majority of employees with any retirement plan at all just have a 401(k), but those plans do not provide real retirement security. They leave workers exposed to the constant risk that the plans' investments will perform poorly. Look at what has happened to people's 401(k)s over the past few years. Billions of dollars of retirement savings have just evaporated, and lots of workers—especially people getting close to retirement—saw any chance they had of retiring vanish overnight. 401(k)s also do not provide workers with guaranteed lifetime income like traditional pension plans. That means that workers and their families are forced to bear the risk that they will outlive their retirement savings.

Plus, in these troubled economic times, families are facing unprecedented challenges and saving for retirement just is not an option for many. Wages have been stagnant for years, yet the cost of living keeps going up. People are working harder and longer than ever before, but they still cannot seem to meet the costs of basic everyday needs, like education, transportation, and housing, let alone save enough to support them in their old age.

For many Americans, the only retirement security they have is Social Security, but that, too, is under siege. There are those that want to privatize the system, cut back benefits, and raise the retirement age. They say that everyone should just work longer and that retirement is a "luxury." Clearly, those people do not swing a hammer for a living. They do not toil in our corn fields or work on our oil rigs. For Americans who work in these physically demanding jobs, working longer simply is not an option. A lifetime of hard work takes its toll, and at some point, a person just cannot do it anymore.



We are facing a future where no one other than the rich will have the opportunity for a safe and secure retirement. People that work hard for their entire lives will find themselves teetering on the brink of poverty, unable to pay the basic costs of living. That is going to have drastic consequences for families and our country as a whole.

It is time for our Nation to face the retirement crisis head on, and for our lawmakers to take aggressive action to protect future generations. We can start by working on some fixes for the current system. We need to shore up the Pension Benefit Guaranty Corporation, protect Social Security, and address the problems facing the Nation's corporate and multiemployer pension plans. We should also consider improvements to 401(k) plans like improved disclosures and lifetime income solutions. But all of those things are just short-term fixes.

We need to go further. We need to work toward comprehensive reform of our retirement system. Americans who have worked hard and played by the rules deserve a secure retirement. They deserve to be able to enjoy their golden years, to spend time with their families, and to rest after a lifetime of hard work. We need to help people to work toward a secure retirement by expanding access to retirement plans, making it easier for workers to save, and finding ways to make sure they do not have to worry about outliving their savings.

The retirement crisis is just too big to ignore, so as chairman of the Committee on Health, Education, Labor and Pensions, I am making retirement security a priority. The committee will be holding a series of hearings to explore the difficult issues surrounding retirement security, and I am hopeful that, together with my colleagues on both sides of the aisle, we will be able to come up with creative solutions to our Nation's retirement challenges.

#### ADDITIONAL STATEMENTS

##### ARLINGTON HIGH SCHOOL ENVIROTHON TEAM

• Mrs. BOXER. Madam President, I wish to recognize the great work and remarkable accomplishments of Arlington High School's Envirothon team for winning the North American Canon Envirothon Competition, which tests high school students' knowledge about natural resource management.

Competing in the Envirothon was a challenging task for the students of Arlington High School, located in Riverside, CA. Students spent many hours studying, practicing, and competing, often away from their families and friends. However, I know that families across Riverside are now celebrating the accomplishments of their home team.

Members of Arlington High's winning Envirothon team include Kristen

Treat, Cory Davis, Alexis Wood, Elijah Kenan, Elizabeth Murry, Ashley Pham, and faculty advisers Sheri Harris, and Dianne Stephens. They solved environmental problems in aquatics, forestry, soils, wildlife, and the 2010 special topic "Protection of Groundwater through Urban, Agricultural and Environmental Planning."

I invite all my colleagues to join me in congratulating California's Arlington High School Envirothon team for becoming the North American Canon Envirothon Competition winners.●

##### TRIBUTE TO LIEUTENANT GENERAL THOMAS PATTEN STAFFORD

• Mr. INHOFE. Madam President, today I pay tribute to retired U.S. Air Force LTG Thomas Patten Stafford, a former National Aeronautics and Space Administration astronaut and the first U.S. general officer to travel into space, being one of only 24 people to fly to the Moon. A command pilot in both the Air Force and NASA, General Stafford gave a lifetime of service to the Nation in space exploration, logging multiple flights into space to further our understanding and capabilities in space exploration. As one of the pioneers of our country's space program, General Stafford established protocols, procedures, and even a few records, that are still present in today's contemporary space programs and operations. He has been a national treasure and an unsung hero, willingly taking on the challenges associated with our innate fascination with what lay beyond our terrestrial home.

General Stafford graduated with honors from the U.S. Naval Academy in 1952 and was commissioned a second lieutenant in the U.S. Air Force. He attended pilot training at Connally Air Force Base, Waco, TX, in 1953 and after completing advanced interceptor training was assigned to his first tactical duty station at Ellsworth Air Force Base, Rapid City, SD, as a pilot with the 54th Flight Interceptor Squadron with the mission of planning for and executing the air defense of the United States. It was in 1955 that General Stafford received an overseas assignment to Hahn Air Base, Germany, where he joined the 496th Fighter Interceptor Squadron, at the tip of the spear as part of the United States defense of Europe during the Cold War. At the time, the 496th flew F-86D model aircraft, known as the "Sabre Dog." It was a transonic jet, all-weather interceptor designed to intercept Soviet attack and bomber aircraft. It was during this time that General Stafford developed and honed his flying abilities and understanding of flight operations and performance testing, which would prove vital to his influence over our Nation's space program and guarantee many successes in those endeavors.

In 1962, General Stafford was selected among the second group of astronauts to participate in Projects Gemini and

Apollo, the two fabled national space programs that epitomize our country's tremendous quest for space exploration. In December 1965, General Stafford piloted Gemini VI, the first rendezvous in space, thus developing and proving techniques for space rendezvous that would be critical for future operations. In June 1966, he commanded Gemini IX and demonstrated a rendezvous technique that would be used in the Apollo missions to the Moon. And because of this expertise, he headed the mission planning analysis and software development responsibilities for the astronaut group for Project Apollo.

The most pivotal piece to this was his development and implementation of the techniques a pilot would use to manually fly the Saturn booster into orbit and the descent and ascent to and from the Moon's surface. All of this culminated with his command of the Apollo 10 mission in May 1969, when General Stafford personally performed the first lunar module rendezvous around the Moon and the entire lunar landing mission except for the actual landing.

It was with this expertise that General Stafford assumed the role of Deputy Director of Flight Crew Operations at the NASA Manned Space Flight Center, where he was responsible for the planning and implementation of programs for the astronaut group and all aircraft operations. General Stafford's time with NASA culminated with his fourth space flight as the Apollo commander of the Apollo-Soyuz Test Project mission in 1975. This was a joint space flight with the Soviet Union that culminated in the historic first meeting in space between American Astronauts and Soviet Cosmonauts.

General Stafford was the first member of his Naval Academy Class of 1952 to pin on the first, second and third stars of a general officer. He flew six rendezvous in space, logged over 507 hours in space flight and wore the Air Force Command Pilot Astronaut Wings. In his life time he has flown over 127 different types of aircraft and helicopters and four different types of spacecraft. And in his later years in the Air Force, General Stafford was personally involved in the development of two of our most critical Air Force stealth aircraft: the F-117A Stealth Fighter and the B-2 Stealth Bomber.

Though General Stafford retired from the Air Force in 1979, his efforts in our country's space program continued. In his post retirement period, General Stafford continued to influence our efforts in space, chairing independent think tank teams focused on developing a 30 year roadmap for both Presidents Bush and Clinton for returning and inhabiting the Moon and extending our exploration efforts to Mars. And he currently sits as the Chairman of the NASA Advisory Council Task Force on International Space Station Operational Readiness and the cochairman



of the Stafford-Covey Space Shuttle Return to Flight Task Group.

General Stafford is a true American hero; an amazing testament to the spirit and the selflessness of the American public servant. There are very few that have obtained the level of historic influence as he has, leaving behind a true legacy for all of us to follow. General Stafford celebrates his 80th birthday this Friday, September 17, 2010. There is a lot to be said for 80 years of life that have seen some two-thirds of that spent in the service to our Nation. I, for one, take my hat off to a great national icon and applaud him for what he has done for this great nation. On behalf of Congress and the United States of America, I thank General Stafford and his family for their lifelong commitment, sacrifice, and contribution to this great Nation and I wish him a happy 80th birthday with many more to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 21, 2006—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or sup-

port terrorism is to continue in effect beyond September 23, 2010.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania, and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, September 16, 2010.

#### MESSAGE FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2039. An act to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes.

H.R. 3116. An act to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes.

H.R. 3519. An act to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

H.R. 4862. An act to permit Members of Congress to administer the oath of allegiance to applicants for naturalization.

H.R. 5282. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

H.R. 5366. An act to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building."

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

H.R. 5873. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 2868. An act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

The message further announced that the House has passed the following bill, without amendment:

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2039. An act to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3116. An act to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3519. An act to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4862. An act to permit Members of Congress to administer the oath of allegiance to applicants for naturalization, and for other purposes; to the Committee on the Judiciary.

H.R. 5282. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5366. An act to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building"; to the Committee on Environment and Public Works.

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as

the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building"; to the Committee on Environment and Public Works.

H.R. 5873. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3790. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3791. A bill to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3793. A bill to extend expiring provisions and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7340. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-8, V-14, V-38, V-47, V-279, and V-422 in the Vicinity of Findlay, Ohio" ((RIN2120-AA66)(Docket No. FAA-2010-0709)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7341. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Automatic Dependent Surveillance-Broadcast (ADS-B) Out Performance Requirements to Support Air Traffic Control (ATC) Service; OMB Approval of Information Collection" ((RIN2120-AI92)(Docket No. FAA-2007-29305)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7342. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Reference to Manual Requirements" ((RIN2120-AJ44)(Docket No. FAA-2006-25877)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7343. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Pacific High and Low Offshore Airspace Areas; California" ((RIN2120-AA66)(Docket No. FAA-2010-0187)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Com-

mittee on Commerce, Science, and Transportation.

EC-7344. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Colored Federal Airway B-38; Alaska" ((RIN2120-AA66)(Docket No. FAA-2010-0365)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1050)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7346. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range, FL" ((RIN2120-AA66)(Docket No. FAA-2008-1261)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7347. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area R-3405; Sullivan, IN" ((RIN2120-AA66)(Docket No. FAA-2007-28633)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7348. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Maneuvering Speed Limitation Statement" ((RIN2120-AJ21)(Docket No. FAA-2009-0810)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-Registration and Renewal of Aircraft Registration; OMB Approval of Information Collection" ((RIN2120-AI89)(Docket No. FAA-2008-0118)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers R408/6-123-F/17 Model Propellers" ((RIN2120-AA64)(Docket No. FAA-2009-0776)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7351. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3" ((RIN0648-AW65)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7352. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule Extension" ((RIN0648-AY52)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7353. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closures in the Southeast Region Due to the Deepwater Horizon MC252 Oil Spill; Publication of Coordinates" ((RIN0648-AY90)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7354. A communication from the Assistant Chief Counsel for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits" ((RIN2137-AE41)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7355. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2011" ((RIN2127-AK68)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7356. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 U.S.C. 30141" ((RIN2127-AK70)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7357. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection" ((RIN2127-AK48)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7358. A communication from the Program Analyst, National Highway Traffic

Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention" (RIN2127-AK38) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7359. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection" (RIN2127-AK05) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7360. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-7361. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blythe, California)" (MB Docket No. 08-151) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7362. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (DeBeque, Colorado)" (MB Docket No. 10-22) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7363. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (RIN2105-AD95) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7364. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled "Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records" (49 CFR Part 830) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7365. A communication from the Senior Regulation Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (Docket No. NHTSA-2008-0134) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7366. A communication from the Regulatory Ombudsman, Federal Motor Carrier

Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rulemaking Procedures" (RIN2126-AB23) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7367. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Medical Certification Requirements as Part of the Commercial Driver's License (CDL); Technical, Organizational, and Conforming Amendments" (RIN2126-AB24) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7368. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AF00) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7369. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Wassenaar Arrangement 2009 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Part I, 6, 7, and 9 of the Commerce Control List, Definitions Reports" (RIN0694-AE91) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7370. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Removal of the Utah (Desert) Valvata Snail (*Valvata utahensis*) From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AW16) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7371. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization during 2008 and 2009; to the Committee on Commerce, Science, and Transportation.

EC-7372. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-7373. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2010 Update" (STB Ex Parte No. 542) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3980. A bill to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes (Rept. No. 111—291).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment and an amendment to the title: S. 2739. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of the Puget Sound Program Office, and for other purposes (Rept. No. 111—292).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes (Rept. No. 111—293).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, without amendment:

S. 3799. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—294).

By Mr. INOUE, from the Committee on Appropriations, without amendment:

S. 3800. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—295).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3717. A bill to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 3793. A bill to extend expiring provisions and for other purposes; read the first time.

By Mr. LEAHY (for himself and Ms. COLLINS):

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself, Mr. BAYH, and Mrs. BOXER):

S. 3795. A bill to amend the Internal Revenue Code of 1986 to reduce the tax gap, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 3796. A bill to establish community health improvement councils and State health improvement technical assistance center grants; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3797. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of quality universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 3798. A bill to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Nebraska:

S. 3799. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. INOUE:

S. 3800. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. AKAKA:

S. 3801. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. Res. 626. A resolution acknowledging and congratulating Miami Dade College on the occasion of its 50th anniversary of service to the students and residents of the State of Florida; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Ms. COLLINS, Mr. CHAMBLISS, Mrs. LINCOLN, and Mr. BURR):

S. Res. 627. A resolution designating September 16, 2010, as "The American Legion Day"; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 628. A resolution recognizing the 10th Anniversary of the National Book Festival; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. SCHUMER, Mr. BINGAMAN, Ms. MIKULSKI, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BURRIS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. BENNET, Mr. UDALL of Colorado, Mr. INOUE, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mr. CASEY, Mr. LEMIEUX, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. WYDEN, Mr. CRAPO, Mr. MCCAIN, and Mr. LUGAR):

S. Res. 629. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 424

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2782

At the request of Mrs. MCCASKILL, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2782, a bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3562

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 3562, a bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park.

S. 3665

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3665, a bill to promote the strengthening of the private sector in Pakistan.

S. 3673

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 3673, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 619

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 619, a resolution expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Ms. COLLINS):

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. Mr. President, today, I am introducing bipartisan legislation to add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. The sacrifices that members of our armed forces make every day for us and our country cannot be overstated, and I welcome any opportunity to recognize their services. While this bill is a small token, it is another effort to give back to our military veterans. I encourage the Senate to act swiftly and pass this bill.

The FOR VETS Act will enable military veterans to receive surplus goods donations through the Federal Government's property distribution program. The types of property donated through this program include computers, trucks, snowmobiles, home appliances, and electronics. These are items that would be of good use to our military veterans, and which they should have the opportunity to claim.

The administrator of General Services oversees this property distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods, military veterans' groups are simply being added into this pool of recipients for goods that might otherwise go unused.

I am pleased to be joined by the Homeland Security and Governmental Affairs Committee Ranking Member, Senator COLLINS, in sponsoring this legislation. This is a bipartisan effort, as legislation to support our veterans should always be, and I hope Congress will come together to promptly send this legislation to the President to be signed into law.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3794

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010" or "FOR VETS Act of 2010".

#### SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

- (1) in clause (viii), by striking "or" after the semicolon;
- (2) in clause (ix), by striking the period and inserting ";; or"; and
- (3) by adding at the end the following:

"(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38)."

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 3798. A bill to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, I am very pleased to join today with the Senator from Kansas, Senator BROWNBACK, in introducing a piece of legislation that has already attracted broad support from across the social and political spectrum.

This bill, titled the Foreign Prison Conditions Improvement Act of 2010, seeks to address a much neglected, global human rights problem—the inhumane treatment of people in foreign prisons and other detention facilities.

On any given day, millions of people are languishing in foreign prisons, many awaiting trial not yet having been formally charged or proven guilty of anything, deprived of their freedom for years longer than they could have been sentenced to prison if convicted. Others convicted of crimes, often after woefully unfair trials, including for nothing more than peacefully expressing political or religious beliefs or defending human rights. Regardless of their status they have one thing in common. They are deprived of the most basic rights and necessities—safe water, adequate food, essential medical care, personal safety, and dignity.

Anyone who has been inside one of these facilities, or seen photographs or the press reports of what they are like, understands that I am talking about the mistreatment of human beings in ways that are reminiscent of the Dark Ages.

A few examples are all that are needed to illustrate the point. In Haiti's National Penitentiary before the January 12th earthquake, more than 4,000 prisoners were confined in a space built for less than 900. Many did not have room to lie down and had to sleep standing up. Sanitation was practically non-existent. Deadly contagious diseases were rampant. The overwhelming majority of inmates had never been formally charged, never seen a lawyer or a judge. The earthquake damaged the prison and the prison guards fled, leaving the inmates to fend for themselves without food or water. They managed to get out, but the squalid facility is quickly filling up again. Today I am told the conditions there are worse than ever.

A recent newspaper article described how in Benin, in West Africa, maggots digest the bodies of dead prisoners. The skin of prisoners is ragged from the extraction of fly larvae, a scourge that is symptomatic of the deplorable conditions. Many inmates suffer from tuberculosis, scabies, parasites, lung infections or other illnesses. The prison in



Abomey, located in southern Benin, was built in 1904 to house a maximum of 150 prisoners. These days, more than 1,000 are reportedly confined there.

It is common in prisons from Central America to Central Africa to Central Asia for inmates to be severely malnourished and to go for months without being able to wash. Many prisoners depend for survival on food brought to them by their relatives. In many countries individuals awaiting trial, young and old, are housed together with convicted, violent criminals.

Prisoners and other detainees in many countries are also routinely victimized by poorly trained, abusive guards, who are virtually unsupervised and unaccountable to any higher authority. Sexual abuse of men, women and children is common.

A government commission in Cameroon reported that an average of five prisoners die per month in a prison there, simply from lack of proper medical care. Inmates in many countries suffer from HIV/AIDS and other illnesses, in prisons with no medical records, where doctors do not enter. Prisoners intentionally cut or otherwise harm themselves in the hope of receiving medical attention for life-threatening illnesses. If and when they are released, they infect the local population.

A recent New York Times article described how in Zambia prisoners are punished by being stripped naked and held in solitary confinement in small, windowless cells, sometimes for days on end, in ankle-to-calf-high water contaminated with their own excrement. It is like something out of *The Count of Monte Cristo*, only worse because it is happening in the 21st Century.

But the article went on to describe how the Zambian Prison Service completed its own internal audit, appointed a new medical director and allowed human rights workers access to its facilities.

The bill Senator BROWNBACK and I are introducing seeks to provide incentives for those kinds of improvements. Our bill would do the following:

First, it calls attention to this long ignored problem. Most people know little if anything about what goes on inside foreign prisons, and many would prefer not to know.

Second, it sets forth minimum standards for the elimination of inhumane conditions in foreign prisons and other detention facilities, such as human waste facilities that are sanitary and accessible, and adequate ventilation, food, and safe drinking water.

Third, it requires the Secretary of State to report annually on those countries that receive United States assistance that do not meet minimum standards for the elimination of inhumane conditions but are making significant efforts to comply, and those that are not making such efforts.

Fourth, it encourages the Secretary and the Administrator of the U.S.

Agency for International Development to assist countries that are making significant efforts to eliminate inhumane conditions. And for those that are not, it requires the Secretary to enter into negotiations with such governments to eliminate inhumane conditions. It authorizes the Secretary and the Administrator to restructure, reprogram, or reduce assistance, or to furnish or deny U.S. visas to the officials of the government of such a country, if doing so would help achieve that goal.

The bill also provides for training of Foreign Service Officers, and creates a new full time equivalent Deputy Assistant Secretary position at the Department of State's Bureau for Democracy, Human Rights, and Labor to monitor foreign prison conditions, which has long been needed.

Finally, it authorizes the expenditure of funds to implement the bill.

Once enacted, the Foreign Prison Conditions Improvement Act of 2010 will help foreign governments ensure that prisoners in their countries are treated as any people deprived of their freedom should be—as human beings, with dignity, in safety, and provided the basic necessities of life.

In countries around the world, the United States is helping to reform justice systems and strengthen the rule of law. No justice system can claim to deliver justice if prisoners and other detainees are treated like animals, or worse. By helping to change attitudes, and showing how with relatively little money, conditions in a prison can be dramatically improved, we can help advance the cause of justice more broadly.

Millions of people around the world still look to the United States as a defender of justice. This bill will further that goal, and it reflects the best instincts of the American people.

This bill has already been endorsed by a wide range of groups, including the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Human Rights First, Human Rights Watch, International Justice Mission, Open Society Policy Center, Penal Reform International, Prison Fellowship, Jewish Council for Public Affairs, National American Religious Liberty Association, United Methodist Church General Board of Church and Society, National Advocacy Center of the Sisters of the Good Shepherd, Disciples Justice Action Network, and the National Spiritual Assembly of the Bahá'ís of the United States.

An identical bill is being introduced today in the House of Representatives by Representatives WILLIAM DELAHUNT and JOSEPH PITTS, so this is a bipartisan, bicameral effort.

I want to thank Senator BROWNBACK, and his staff, who have been extremely helpful in the drafting and introduction of this bill. At a time when some people seem to get satisfaction from calling Washington broken, this is a tangible example of how two Senators, of different parties, whose political

views often differ, can work together in furtherance of a just cause.

By Mr. AKAKA:

S. 3801. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am proposing a needed adjustment to current eligibility requirements for children who receive health care under the Civilian Health and Medical Program of the Department of Veterans Affairs.

CHAMPVA, established in 1973 within VA, provides health care services to dependents and survivors of certain veterans. CHAMPVA enrollment has grown steadily over the years and, as of fiscal year 2009, covers nearly 336,300 unique beneficiaries. Servicemembers continue to deploy and return home from Afghanistan and Iraq, and CHAMPVA plays a vital role in caring for veterans' loved ones.

Under the current law, a dependent child loses eligibility for CHAMPVA upon turning 18 years old, unless the child is enrolled in school on a full time basis. Also, after losing full-time status at school, or upon turning 23 years old, an eligible child of a veteran would lose eligibility.

With the passage earlier this year of the Patient Protection and Affordable Care Act, Public Law 111-148, many veterans' families have expressed concern regarding their own children's health care coverage. The PPACA contains a provision that extends health insurance coverage to dependent children until age 26. I believe it is only fair to afford children who are CHAMPVA beneficiaries the same eligibility as dependent children whose parents have private sector coverage. Though this Congress is in its final month, we need to open the discussion on this issue now so that, if we must wait until next year to act, we can do so quickly.

My hope in introducing this legislation is to ensure that CHAMPVA recipients, without regard to their type of coverage, student status, or other limitation, are eligible for health care coverage under their parent's plan in the same way as their peers. I urge my colleagues to support this necessary modification.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3801

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE UNDER CHAMPVA PROGRAM.**

(a) INCREASE.—Subsection (c) of section 1781 of title 38, United States Code, is amended to read as follows:



“(c)(1) Notwithstanding clauses (i) and (iii) of section 101(4)(A) of this title and except as provided in paragraph (2), for purposes of this section, a child who is eligible for benefits under subsection (a) shall remain eligible for benefits under this section until the child’s 26th birthday, regardless of the child’s marital status.

“(2) Before January 1, 2014, paragraph (1) shall not apply to a child who is eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986).

“(3) This subsection shall not be construed to limit eligibility for coverage of a child described in section 101(4)(A)(ii) of this title.”.

(b) EFFECTIVE DATE.—Such subsection, as so amended, shall apply with respect to medical care provided on or after the date of the enactment of this Act.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 626—ACKNOWLEDGING AND CONGRATULATING MIAMI DADE COLLEGE ON THE OCCASION OF ITS 50TH ANNIVERSARY OF SERVICE TO THE STUDENTS AND RESIDENTS OF THE STATE OF FLORIDA

Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas Miami Dade College opened its doors in 1960 as an institution of higher education for the residents of Miami-Dade County, Florida;

Whereas Miami Dade College became the first integrated junior college in the State of Florida, leading the way for other institutions to adopt policies of offering a higher education to persons of all races and ethnicities;

Whereas Miami Dade College has 1 of the most diverse student populations in the United States, with students from 178 countries, speaking 86 languages;

Whereas Miami Dade College has the largest enrollment of any institution of higher education in the United States, welcoming nearly 170,000 students annually;

Whereas Miami Dade College offers more than 300 major areas of study, providing educational and workforce opportunities for students seeking associate and bachelor degrees, as well as short-term certifications in critical areas of study;

Whereas Miami Dade College provides an affordable, comprehensive higher education to individuals of all incomes and backgrounds;

Whereas 52 percent of the students attending Miami Dade College are the first in their families to attend college;

Whereas 55 percent of the students attending Miami Dade College receive Pell Grants;

Whereas Miami Dade College ranks first in the United States in the amount of Pell Grant funds awarded to public institutions of higher education;

Whereas Miami Dade College is 1 of only 40 community colleges nationwide to be named to the President’s Higher Education Community Service Honor Roll;

Whereas Miami Dade College is a leader in cultural programming;

Whereas the Miami International Book Fair, which is sponsored by Miami Dade College, is the largest literary event in the United States;

Whereas the Miami International Film Festival, which is sponsored by Miami Dade College, is world-renowned;

Whereas Miami Dade College is the home of the Freedom Tower, a National Historic Landmark;

Whereas Miami Dade College adheres to the guiding principle of the College to change lives through the opportunity of education; and

Whereas 2010 marks the 50th anniversary of the establishment of Miami Dade College: Now, therefore, be it

*Resolved*, That the Senate acknowledges and congratulates Miami Dade College on the occasion of its 50th anniversary of academic excellence and service to the residents of the State of Florida.

### SENATE RESOLUTION 627—DESIGNATING SEPTEMBER 16, 2010, AS “THE AMERICAN LEGION DAY”

Ms. SNOWE (for herself, Ms. COLLINS, Mr. CHAMBLISS, Mrs. LINCOLN, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as “Legionnaires”) provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children’s Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen’s Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the “G. I. Bill of Rights”;

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran’s service to the United States continues

long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 16, 2010, as “The American Legion Day”.

### SENATE RESOLUTION 628—RECOGNIZING THE 10TH ANNIVERSARY OF THE NATIONAL BOOK FESTIVAL

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 628

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival held on September 8, 2001, was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas, each year, the National Book Festival has featured more than 70 award-winning and nationally known authors, illustrators, poets, and storytellers;

Whereas the National Book Festival invites readers from around the United States to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes the “Pavilion of the States” which includes representatives from all 50 States, the District of Columbia, and the territories and possessions of the United States who discuss and distribute materials about their respective reading and literacy promotion programs;

Whereas this year the Festival has reached a milestone for both the Library of Congress and the Nation; and

Whereas the 10th National Book Festival will be held on September 25, 2010, on the National Mall, and supported by Honorary Co-Chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and emphasizes the important historic and ongoing role of the National Book Festival; and

(2) encourages the celebration of “A Decade of Words and Wonder” on Saturday, September, 25, 2010.

### SENATE RESOLUTION 629—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. SCHUMER, Mr. BINGAMAN, Ms. MIKULSKI, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BURRIS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. BENNETT, Mr. UDALL of Colorado, Mr. INOUE, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mr. CASEY, Mr. LEMIEUX, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. WYDEN, Mr. CRAPO, Mr. MCCAIN, and Mr. LUGAR) submitted the

following resolution; which was considered and agreed to.

S. RES. 629

Whereas, from September 15, 2010, through October 15, 2010, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas more than 28,000 Hispanics currently serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 7, 2010, 561 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 1 seat in the Senate, 28 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2010, through October 15, 2010;

(2) esteems the integral role of Latinos and their manifold heritage in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4618. Mr. NELSON of Florida (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 4618. Mr. NELSON of Florida (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

#### SEC. 633. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and  
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);  
(ii) by striking subsection (k); and  
(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and  
(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and  
(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1).”; and  
(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 16, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. to conduct a hearing entitled “The Treasury Department’s Report on International Economic and Exchange Rate Policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 16, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 16, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. in

SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. to conduct a hearing entitled "The Deepwater Drilling Moratorium: A Review of the Obama Administration's Economic Impact Analysis on U.S. Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 16, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 628, 740, 741, 742, 743, 929, 931, 961, 993, 994, 995, 996, 997, 998, 1006, 1020, 1021, 1022, 1023, 1024, and 1082; that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; and I now ask that the Senate proceed to Calendar Nos. 1083, 1084, 1085, 1086, 1087 and 1088, and that the nominations be confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT D. REISCHAUER

Mr. BUNNING. Madam President, I want to explain why I will vote no on the nomination of Robert D. Reischauer to serve as a public trustee of the Social Security and Medicare Programs.

Although he has a Ph.D. in economics and extensive experience with Federal budgetary matters as former head of the Congressional Budget Office, Dr. Reischauer claimed that he did not understand his basic responsibility under Federal law to report income on his tax returns from 2004 to 2008. He only paid back taxes on rental property in Canada when he brought his failure to the attention of the White House during the vetting process.

On his Finance Committee questionnaire, which he signed under penalty of perjury, he claimed this was an "oversight" he did not discover until 2009.

But in discussions with bipartisan committee staff, he appeared to tell a different story and said it was a deliberate choice he made at the time he filled out his tax returns. In the same meeting, he said he was sorry that he told the White House.

And while he said that he had offsetting expenses that would have canceled out his tax liability and produced a loss, Dr. Reischauer kept no receipts or records of those expenses, saying that he paid off workers in cash.

It appears that Dr. Reischauer was not truthful or careful about his Federal responsibility to report income. Someone who has not earned the public trust is not qualified to be a public trustee, and that is why I oppose his confirmation.

I ask that the RECORD reflect my vote against Dr. Reischauer's confirmation.

The PRESIDING OFFICER. The question is on confirmation en bloc of Calendar Nos. 1083, 1084, 1085, 1086, 1087, and 1088.

The nominations were considered and confirmed en bloc, as follows:

FARM CREDIT ADMINISTRATION

Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2014.

TENNESSEE VALLEY AUTHORITY

Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

Barbara Short Haskew, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

PENSION BENEFIT GUARANTY CORPORATION

Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation.

EXECUTIVE OFFICE OF THE PRESIDENT

Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy.

UNITED STATES POSTAL SERVICE

Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2012.

DEPARTMENT OF AGRICULTURE

Elisabeth Ann Hagen, of Virginia, to be Under Secretary of Agriculture for Food Safety.

FARM CREDIT ADMINISTRATION

Sara Louise Faivre-Davis, of Texas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Lowell Lee Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Myles J. Watts, of Montana, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

DEPARTMENT OF AGRICULTURE

Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Research, Education, and Economics.

DEPARTMENT OF COMMERCE

Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade.

UNITED STATES PAROLE COMMISSION

J. Patricia Wilson Smoot, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

ASIAN DEVELOPMENT BANK

Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

BROADCASTING BOARD OF GOVERNORS

Richard M. Lobo, of Florida, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation.

UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT

Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF COMMERCE

Michael C. Camunetz, of California, to be an Assistant Secretary of Commerce.

FEDERAL HOSPITAL INSURANCE TRUST FUND

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

FEDERAL OLD-AGE, SURVIVORS AND DISABILITY  
INSURANCE TRUST FUNDS

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE  
TRUST FUND

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Mr. GOODWIN. Madam President, I move to reconsider the vote and lay that motion on the table; and I ask unanimous consent that no further motions be in order, that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

# AMENDING THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6102, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 6102) to amend the National Defense Authorization Act for fiscal year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Madam President, the bill H.R. 6102 is an important bill. Based on authority provided in two acts, the National Defense Authorization Act for Fiscal Year 2010 and the Department of Defense Appropriations Act for Fiscal Year 2010, the Navy and contractor team negotiated a multiyear contract for purchasing F/A-18E/F and E-18G aircraft.

The Secretary of Defense approved the Navy's request to sign such a contract. The Secretary also provided the necessary certifications required by title 10, United States Code. The independent cost estimators within the Department of Defense, the office of Cost Analysis and Program Evaluation, or CAPE, agreed with the Navy's estimate that the multiyear contract would save an estimated \$590 million. Unfortunately, the Navy and the contractor team were unable to conclude negotiations by the deadlines set forth in the two acts authorizing and appropriating funds for the multiyear contract.

We should not let these savings slip through our fingers just because the Navy and contractors were not as prompt as the Congress envisioned when we passed the two acts last year. This bill would allow the Navy and the taxpayer to achieve those savings by authorizing the Navy to sign a multiyear contract for the F/A-18E/F and E-18G program despite having missed those deadlines.

I urge that the Senate pass this bill immediately.

Mr. GOODWIN. Madam President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6102) was ordered to be read the third time, was read the third time, and passed.

## THE AMERICAN LEGION DAY

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 627) designating September 16, 2010, as "The American Legion Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Madam President, I rise in support of legislation with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize The American Legion and its vital role in communities across the Nation, by designating September 16, 2010, as "The American Legion Day."

Nothing describes the role of The American Legion more beautifully than the preamble to its constitution which is recited by its members at the beginning of every official meeting. "For God and Country, we associated ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

I think we all would agree that these are extremely lofty goals for any organization, but amazingly for over 90 years The American Legion has worked towards these objectives—not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. World War I veterans remembered the challenges facing wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They wanted employment opportunities for returning combat veterans. They were concerned about the survivors of combat veterans who had paid the ultimate sacrifice in service to their country. And most importantly, they wanted medical care provided to the wounded and ill returning service members.

Now, as it did at its founding, The American Legion remains focused on supporting veterans, military service members, and their families. Since December 2008, The American Legion's Operation Comfort Warriors has raised hundreds of thousands of dollars to buy merchandise for Wounded Warriors in military medical centers around the country. Through the "Heroes to Hometowns" program The American Legion helps local communities prepare "welcome home" events when

wounded warriors are finally released from military or veterans' affairs medical centers. Since the first gulf war, The American Legion has maintained its Family Support Network which assists deployed service members and their families, especially members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, or marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service during periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the flag of the United States.

The American Legion works closely with the American Red Cross—the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and Federal Emergency Management Agency work centers in areas hit by natural disasters. Members of more than 14,000 American Legion Posts donate nearly 100,000 pints of blood to the American Red Cross each year.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer about 1 million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions performed by The American Legion is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this Chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans, and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI bill to be one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919. Therefore, I think it only fitting that we proclaim September 16, 2010, "The American Legion Day." I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our respect and esteem for this outstanding organization.

Mr. GOODWIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 627

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as "Legionnaires") provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the "G. I. Bill of Rights";

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

*Resolved*, That the Senate designates September 16, 2010, as "The American Legion Day".

#### RECOGNIZING THE 10TH ANNIVERSARY OF THE NATIONAL BOOK FESTIVAL

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 628, submitted earlier today.

ation of S. Res. 628, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 628) recognizing the 10th anniversary of the National Book Festival.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GOODWIN. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 628) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 628

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival held on September 8, 2001, was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas, each year, the National Book Festival has featured more than 70 award-winning and nationally known authors, illustrators, poets, and storytellers;

Whereas the National Book Festival invites readers from around the United States to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes the "Pavilion of the States" which includes representatives from all 50 States, the District of Columbia, and the territories and possessions of the United States who discuss and distribute materials about their respective reading and literacy promotion programs;

Whereas this year the Festival has reached a milestone for both the Library of Congress and the Nation; and

Whereas the 10th National Book Festival will be held on September 25, 2010, on the National Mall, and supported by Honorary Co-Chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and emphasizes the important historic and ongoing role of the National Book Festival; and

(2) encourages the celebration of "A Decade of Words and Wonder" on Saturday, September 25, 2010.

#### HISPANIC HERITAGE MONTH

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 629, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 629) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. Madam President, I rise today to recognize September 15 through October 15 as Hispanic Heritage Month. America has always celebrated its diverse heritage with pride. It has always honored those who have contributed and made this Nation great.

Irish Americans, Italian Americans, African Americans, Asian Americans—all Americans—have come to this Nation and added to the rich and colorful patchwork quilt of American democracy.

This resolution recognizes Hispanic Americans for the contributions they have made to the rich fabric of America. It designates the next 30 days as Hispanic Heritage Month and in so doing celebrates the long history of Latinos in the United States and the extraordinary contribution they have made to this Nation throughout our history. That history is clear—written boldly but sometimes little known. But this is our history in America, and it is America's history.

Latinos have proudly served this Nation, helped build it and defend it, and continue to serve today.

We have been contributing to and have been part of the American tapestry for hundreds of years. Hispanics fought for freedom alongside the patriots in the American Revolution.

Increasingly, we find references to those who came before us—Bernardo de Galvez, a Spanish army officer—the Governor of Louisiana from 1775 to 1785—who played a role in blocking British advances against George Washington in the American Revolution. And Jorge Farragut, a Spanish ship captain who came to America and fought for the colonies against the British.

He was the father of the Civil War hero ADM David Farragut, known for his famous rallying cry, "Damn the torpedoes, full steam ahead."

I would imagine that few who walk past Farragut Square in Washington—not far from this Chamber—realize that Admiral Farragut was of Hispanic origin.

Latinos fought and died on both sides of the Civil War and have participated in every war since. There were at least 10,000 Mexican Americans fighting for the Union during the Civil War and a number of others fighting for the Confederacy.

In one of the folkloric tales of the Civil War, there was the story of Loretta Velasquez who was born in Cuba and claimed that she disguised herself as a male lieutenant and fought against Union forces at several battles, including Bull Run, and later claimed to have worked as a spy for the Confederacy.

Even in the Spanish-American War, a dozen Latinos were among Teddy Roosevelt's Rough Riders.

In World War I, an Army pilot, David Cantu Barkley of Laredo, TX, of Mexican decent volunteered to penetrate German lines in France. With a comrade, he drew maps of German positions and supplies.

Barkley drowned on the return trip, but his partner survived and carried back the logistical information. Praised by General Pershing, Barkley won the Medal of Honor. Among the heroes of World War II was marine PFC Guy "Gabby" Gabaldon who won the Navy Cross for capturing more than a thousand enemy soldiers in the South Pacific during the summer of 1944.

The honor and patriotism of these brave soldiers cannot be overstated.

The story of Alejandro Ruiz, an Army private who fought in Okinawa, epitomizes their commitment to this Nation and the tragedy some of them endured.

Private Ruiz's Medal of Honor citation noted his "conspicuous gallantry above and beyond the call of duty."

... When an enemy soldier charged him his rifle jammed. Undaunted Private Ruiz whirled on his opponent and clubbed him down ...

... Leaping from one opening to another, he sent burst after burst into the pillbox, killing 12 of the enemy and completely destroying the position ...

... Private Ruiz's heroic conduct in the face of overwhelming odds, saved the lives of many of his comrades and eliminated an obstacle that long would have checked his unit's advance."

Private Ruiz wrote in a letter: "I never questioned my duty because I believe that as Americans we have a responsibility to serve our country and preserve our way of life and freedoms. All I can say is I did what I had to do."

Private Ruiz served this Nation with honor. Madam President, 14,000 Hispanic soldiers served in Korea and more than 300 died; 80,000 Hispanics served in the Vietnam war, representing 5.5 percent of those who made the ultimate sacrifice for their country in those years—even though, at the time, Latinos comprised only 4.5 percent of the population.

As we speak, 28,000 Latinos currently serve with distinction in Afghanistan and Iraq; 561 casualties in Iraq and Afghanistan have been Hispanic casualties.

In fact, there are almost 1.5 million Hispanic veterans of the Armed Forces in this country today who also served with honor.

And of the Hispanics who have served in uniform, 41 of them have been awarded the Congressional Medal of Honor, including David Cantu Barkley and Private Ruiz.

This month we celebrate the contribution of all Latinos to the history of this Nation.

We celebrate the contribution of the many community leaders and local heroes in our neighborhoods, our cities, and towns, and in every State in America.

All across this Nation, the Latino population is growing. We are now the largest minority group in the country—contributing to the community, the economy, and the political debate.

Today, Hispanics hold 29 seats in the U.S. Congress, 2 in the Cabinet, and 1 on the Supreme Court.

We are no longer on the outside looking in. We are at the table on every major issue before Congress—every major issue before the courts.

I stand here, a United States Senator, a lawyer, a Hispanic American who took his seat on the floor of this Chamber not long ago and proudly cast my vote for Justice Sonia Sotomayor, the first Hispanic Justice of the U.S. Supreme Court.

That was a historic moment for me, a historic moment for the Hispanic American community, one we will never forget, but I can say with some measure of confidence, I believe it is only the beginning.

This month let us celebrate not only Hispanic Heritage but let us proudly celebrate and proclaim the history of Hispanics in America going back to the Revolution, and then let us recognize the role a new generation of young Latinos will play in making this, the 21st century, another American century.

I urge my colleagues to support this resolution and join with me in celebrating the heritage and culture of Latinos in the United States and their immense contributions to this Nation.

Mr. GOODWIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 629) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 629

Whereas, from September 15, 2010, through October 15, 2010, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas more than 28,000 Hispanics currently serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 7, 2010, 561 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 1 seat in the Senate, 28 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2010, through October 15, 2010;

(2) esteems the integral role of Latinos and their manifold heritage in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

#### MEASURE READ THE FIRST TIME—S. 3793

Mr. GOODWIN. Madam President, I understand that S. 3793, introduced earlier today by Senator BAUCUS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 3793) to extend expiring provisions, and for other purposes.

Mr. GOODWIN. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

#### ORDERS FOR MONDAY, SEPTEMBER 20, 2010

Mr. GOODWIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period for the transaction of morning



business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. GOODWIN. Madam President, there will be no rollcall votes during Monday's session of the Senate. The next vote is scheduled to occur at 2:15 p.m. on Tuesday on the motion to invoke cloture on the motion to proceed to the Defense authorization bill.

## ADJOURNMENT UNTIL MONDAY, SEPTEMBER 20, 2010, AT 2 P.M.

Mr. GOODWIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:13 p.m., adjourned until Monday, September 20, 2010, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

### DEPARTMENT OF JUSTICE

CHARLES M. OBERLY III, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE COLM F. CONNOLLY, RESIGNED.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. DANIEL J. DIRE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. RONALD E. DZIEDZICKI

### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### *To be lieutenant colonel*

ROBERT L. GAUER

#### *To be major*

JOHN C. BATKA  
JENNIFER L. BAU  
DAVID M. BIKO  
IBRIAN T. CALLAHAN  
PATRICK J. CONTINO  
TARA E. COOK  
OSCAR H. CORREDOR  
MICHELLE D. DIMOFF  
IBRENT J. HUDDLESTON  
SCOTT R. JOHNSON  
ONTARIO D. LAU  
BRIAN LAYTON  
PAMELA J. LEEJOHNSON  
MORCENE MCVAY  
KRISTELL L. MICHAEL  
MITZI J. PALAZZOLO  
BENJAMIN ROMICK  
AMY A. RYN  
LUKE E. STALL  
ANDRE J. SULLIVAN  
ANDREW J. THORESON

JARED A. TOMAN  
AMANZE O. UGOJI  
LUCRETIA L. VAUGHN  
JEFFREY D. WATSON  
RYAN C. WAYLAND  
AUDREA D. WILLIAMS  
RICHARD C. WOLONICK  
RAJENDRA C. YANDE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

ARLENE D. ADAMS  
DARWIN L. ALBERTO  
SIMONA C. ALLEN  
MICHAEL R. E. BARRY  
SHAWN M. BRANSKY  
MICHAEL E. BRUHN  
KENNETH E. BURKETT  
KEVIN K. BYNUM  
STEPHEN J. CASIMIR  
EDWARD M. CASSIN  
JOSEPH R. DELL  
RICHARD K. ELMORE  
CHRISTOPHER J. ESTRIDGE  
SHARIEF M. FAHMY  
GREGORY S. FELTENBERGER  
HEIDI SPALT HASTINGS  
IDONA E. HENRY  
JEREMY N. HOOPER  
MERLYN JENKINS  
ROBERT A. JENNESS  
MIN YEN JUNG  
RICHARD A. KELLER  
ANDREW C. LATTIMORE  
ANTONIO D. LOVE  
WINSTON L. MASSEY  
DAVID E. MCCLINTOCK II  
RUSSELL E. NAIL, JR.  
ROBERT D. PELTZER  
DAVID J. PHILLIPS  
PERRY STANSBURY  
MICHAEL J. STONE  
ANGELA M. THOMPSON  
CHARLES J. TWEDT  
MARTIN G. VALLES  
CHRISTOPHER A. VAUGHN  
BRADLEY D. WEAST  
DUANE R. WEBSTER  
VICTOR D. WEEDEN, JR.  
KENNETH W. WHITLOCK  
AMY S. WOOSLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major*

MARIANNE E. ALANIZ  
DWAYNE A. BACA  
ROBERT D. BARRIENTOS  
ANGELA S. BARRONS  
CHRISTOPHER THOMAS BENDER  
JONATHAN A. BERGMANN  
BRUCE L. BLACKMAN  
DANIEL R. BOWEN  
KEVIN M. BOZZI  
ALEJANDRO BRECEDA  
QUINETTE ALEXANDER BROWN  
CHRISTOPHER M. CABANA  
LISA D. CARR  
MICHAEL A. CLEMENT  
CATHLEEN F. CONNOLLY  
STEVEN B. DADD  
TIMOTHY M. DEATER  
MICHELLE L. DESROCHERS  
GABRIEL R. DINOFRIO  
ERIC L. DOGGETT  
WADE S. EVANS  
RYAN A. GABEL  
STELLA E. V. GARCIA  
GLEN N. GILSON  
CHRISTOPHER G. GONZALES  
MICHAEL T. HAMILTON  
KATE HARLEY  
LIANA LUCAS HERNANDEZ  
EDYTA J. HILYARD  
DENISE M. HOLLOWAY  
BRYAN KA JERNIGAN  
PERRY J. JOHNS  
ERIC W. KERR  
MICHAEL D. KING  
KELLY S. LESNICK  
THOMAS A. LIPSCOMB  
DANA JOSEPHINE LONGO  
JENNIFER LAURIE MARTINEZ  
ANDREW J. MATTERN  
JENNIFER A. MCCOY  
MICHAEL PATRICK METZ  
DWANA K. METZGER  
TIMOTHY A. MORRIS  
TONYA M. MOSER  
ROBERT J. ORLANDO  
MARK W. OVERLIE  
CHRISTOPHER M. PALUMBO  
KEVIN S. RAMSEY  
DON T. ROUSSEAU  
ROBERT B. RUSSIN  
BRANDI L. SALDEEN  
JAMES S. SANDVIC  
JEFFREY B. SCHULER  
PAMELA K. SMALLWOOD  
TERI L. SMITH  
CARMAL A. TERRELL  
DANIEL S. TURNER

THADDEUS D. TURNER  
JAMES D. ULRICH  
RAYNOLD E. VINCENT, JR.  
CHRISTOPHER W. WEEKS  
DAVID L. WHITNEY  
MARK L. WIMLEY

### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

THOMAS E. KOERTGE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

EDWARD B. MARTIN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

TIMOTHY S. ALLISON-AIPA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

VICKIE M. JESTER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be lieutenant colonel*

BERNARD H. HOFMANN  
GREGORY SEAN F. MCDUGAL

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be lieutenant colonel*

CHARLES L. CLARK

#### *To be major*

OKSANA BOYECHKO

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be lieutenant colonel*

ALLEN L. FEIN

#### *To be major*

ROSTYLAV R. SZWAJKUN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

ROBERT KIRK  
TIMOTHY M. SNAVELY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be lieutenant colonel*

PAULA OLIVER

#### *To be major*

LAURA M. CHO  
MICHAEL A. KELLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

AMANDA J. CONLEY  
KIMBERLY A. OKEEFE  
JEFFREY E. POUNDING  
RONNIE L. RIDNER  
DONALD L. ROLPH  
THOMAS F. SPENCER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

JEFFREY D. ALLEN  
MICHAEL T. BENTLEY  
GEORGE F. KRANSKE  
JAMES A. SEVERSON

#### *To be major*

ANDREW M. ADAMS  
DAVID F. KHAN

RYAN C. NOMURA  
MATTHEW A. PINTUR  
TIMOTHY REYNOLDS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U. S.C., SECTIONS 624 AND 3064:

*To be major*

DIXIE J. BURNER  
AMANDA C. CHRISTY  
DAREN C. HARRISON  
KARYN A. HAVAS  
ANDREA L. HENDERSON  
CHRISTIAN C. HOFER  
MATTHEW M. JOHNSON  
KEITH A. KOISTINEN  
JARED MADDEN  
SHANNON T. MARKO  
ERIN K. MORRIS  
GLEESON MURPHY  
JEREMIAH L. NELSON  
VICKY J. PAYNE  
JODI K. SANGSTER  
ANGELA M. SCHMILLEN  
BRIAN W. SMITH  
MARY E. SPRANGEL  
KELLY M. STILL  
ELIZABETH A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

MICHELL L. AUCK  
MARK A. AZEL  
EDWARD B. BALDWIN III  
SEAN P. BANNISTER  
MICHAEL V. BEAN  
TROY L. BIDEZ  
MICHAEL A. BLACK  
ANTHONY J. BOHL  
DEWAYNE BRAMLETT  
MARJORIE A. BURNISTON  
AVERY J. CARNEY  
SCOTT D. CAROW  
MONICA L. CASMAER  
NICOLE K. CHARBONNEAU  
JON B. CHRISTENSEN  
LOUIS D. COULY, JR.  
DAVID A. COX  
WILLIAM C. CRANSTON  
AARON J. CRONIN  
MICHAEL S. CROWELL  
RYAN A. CURTIS  
JAIME H. DAVILA  
CHARLES D. DAY  
MARGIE J. DECK  
JUSTIN T. DECKER  
GERALD D. DEPOLO  
BETHANY A. DESCHAMPS  
WALTER D. ENGLE  
TERRANCE T. FEE  
DOUGLAS S. FOSTER  
JOHN P. FRASURE  
EWA N. GARNER  
CHRISTOPHER J. GEORGIANA  
TERRI L. GURROLA  
JOHN E. HENDRICKS, JR.  
CHRISTINE A. IVERSON  
AARON G. KIDD  
TODD P. KIELMAN  
JOHN W. KNIGHT III  
BRIAN M. KRUSTCHINSKY  
SCOTT M. KULLA  
KIMBERLY A. LATHAM  
EUARDO F. LIMONTA  
KEITH A. LUND  
GREGORY D. MCCRUM  
JOSEPH M. MILLER  
MATTHEW S. MILLER  
STEWART L. MILLER  
DANIE T. MONTANO  
RICHARD MORAVEC  
JASON F. NAYLOR  
DWAYNE A. NELSON  
JESSIE NORTON  
JESSICA A. ORTH  
DANIEL I. RHON  
JOHN B. ROBINSON  
JENNIFER RODRIGUEZ  
SHARON L. ROSSER  
JONATHAN L. SAXE  
NATHAN M. SETKA  
DALE S. SHARP  
MARTHA A. SMITH  
MICHAEL P. SMITH  
ANDY H. SONG  
ERIN J. STIBRAL  
JON E. STUBBLEFIELD  
WADE A. SWATSWORTH  
DERIK H. SWEE  
CLEVE B. SYLVESTER  
BART M. TERRITO  
RICHARD H. TODD  
BRANDON C. WAMPLER  
LANCE M. WARE  
CONNIE R. WELCH  
JEROME J. WENNINGER, JR.  
LARRY A. WYATT  
DAVID A. ZELLER, JR.  
D010491

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

LANEICE L. ABDELSHAKUR  
FRANCIS K. AGYAPONG  
DIANA C. ANDERSON  
ALBERT ARLEDONDO, JR.  
JOHN G. AVERY  
JULIE A. BANTA  
MARK S. BARROWS  
JOSEPH S. BELTZ  
MARGARET S. BERRYMAN  
TRISHA A. BIELSKI  
ANN D. BIGGER  
DEANDRA D. BRILL  
KRISTINE P. BROGER  
CHARLES A. BROOME  
MARIA I. BRUTON  
DEVIN Y. BRYANT  
CYNTHIA BUCHANAN  
ROBERT G. BURDINE, JR.  
JAMES T. CAMPBELL, JR.  
ROBERT M. CARTEER  
BENJAMIN G. CARTWRIGHT  
DAVID S. CASE  
JOHN S. CHEATWOOD  
JO A. CLARK  
THOMAS B. CLARK  
KARLA R. CLARKE  
JACQUELYN M. CLINE  
RONALD D. COLE  
JOSHUA B. COMPTON  
DENISE L. COOPER  
CHRIS R. DALY  
RANDY L. DAVIS  
RAMONA I. DECKER  
CHARLES W. DENSEVICH  
LAKISHA S. DIXON  
ROBERT W. DUNCAN  
WADE G. DUNLAP  
KAKA ECHERE  
MASHANDRA D. ELAM  
LAKISHA N. FLAGG  
SATIVA M. FRANKLIN  
SHAWN P. GALLAGHER  
RICHELLE L. GOODIN  
ANITA E. GOULD  
WINIFRED M. GRADY  
RACHEL C. GREVE  
GARY W. GULICKSON  
ERNEST K. HAFNER  
JADE M. HAMEL  
KNOX M. HARRIOTT  
BENTA L. HARRIS  
TRAVIS M. HAWKSLEY  
FELISIA M. HIBBLER  
JEFFREY S. HILLIS  
ANDREW J. HOVER  
MYRNA B. HOWSON  
NEIL S. HURD  
KYONG S. HYATT  
KYNDRA A. JACKSON  
LAURA JEFFREY  
AARON R. JOHNSTON  
HUI S. JONES  
LORRY KELLEY  
VALERIE L. KENNEY  
UN C. KIM  
LAURA C. KRAEMER  
LINDA M. LANDIS  
ANN H. LATURNO  
THOMAS E. LAVER  
DEVON J. LEHMAN  
RALPH L. LUELLEN III  
EDWARD W. MACAULEY  
JACOB H. MARGREY  
JASON K. MARQUART  
CARRASCO O. MARTINEZ  
BARBARA A. MCCOTTRY  
AMY M. MCINTOSH  
ANDREA L. MCRAE  
HEIDI E. MILLER  
JACKY A. MILLER  
ALEXANDER K. MISIEWICZ  
MEGAN C. MOAKLER  
DANIELLE L. MOLINAR  
NORMAN E. MORRIS  
NANCY R. MOSINSKI  
WILLIAM O. MURRAY  
ANTOINETTE C. MYLES  
MICHAEL J. NEILL  
EVAN S. NONAKA  
LINDA F. NUNNPRIDGEN  
ELIZABETH M. NUTTER  
MONICA OFFENBACHERLOONEY  
TIMOTHY W. ORCUTT  
ADRIANA C. ORTIZCOFFIE  
LUCIA J. PARK  
VALENTINO I. PARRIS  
MARJORIE A. PARTRIDGE  
LEONARDO P. PASCUAL, JR.  
ELAINE E. PASZKOWSKI  
SUSAN K. PIERSON  
UTE C. POESEL  
TRACI L. PRAYNER  
MICAEL REUTER  
CINDY L. ROBERTS  
LUIS R. RODRIGUEZ  
ANGELA L. ROSARIO  
MATTHEW W. RUEMMER  
JACQUELINE M. RUSHTON  
KAREN S. SCHMALEBERGER  
DAWN M. SCHMIDT  
ROBIN L. SHELTON  
ASHLEY E. SHUPE

ANTHONY P. SMITH  
SHENIN D. SPARKS  
CHRISTINA M. STEIMLE  
KARL A. STEWART  
KYLE T. SUNADA  
DAVID A. TAIT  
MESHELLE A. TAYLOR  
JEFFREY S. TEBBS  
TOMMY L. THOMPSON  
KELLEY C. TOGIOLA  
DOLORES P. TONEY  
LAURA D. VANDERMARTIN  
APRIL S. VELASQUEZ  
CAROLYN H. WATSON  
LISA P. WHITE  
OMAR S. WHITE  
TIMOTHY R. WHOOLERY  
LYDIA WILKERSON  
JULIE B. WILLIAMS  
VERNICE F. WILLIAMS  
JOHN E. WILSON, JR.  
KYONG I. WINKLER  
JENNIFER E. WISSEMANN  
DAN M. WOOD  
ANTOINETTE W. WOOTEN  
RAYMOND L. WRIGHT  
SASHI A. ZICKEPOOSE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

JOSEPH H. AFANADOR  
ALICIA L. ALEXANDER  
MICHAEL A. ALLUMS II  
FERDY A. AMEH  
PAULA R. AMUNDSON  
KRISTI M. ANDREWS  
TONIA D. ASHTON  
KATHY L. BABIN  
JOSHUA C. BAKER  
STEVEN M. BARR  
JEFFREY I. BASS  
JOSHUA D. BAST  
SAMANTHA M. BENESH  
TIMOTHY K. BERTUCCO  
RYAN S. BIBLE  
LOGAN M. BLANK  
LISA M. BOHLER  
ANTHONY A. BOROWSKI  
ANTHONY L. BRADWAY  
NOLAN C. BRANDT  
LANDON R. BRETHOUWER  
ANITA J. BRITT  
CHRISTINA M. BUCHNER  
JIMMIE J. BUTCHER  
WILLIAM H. CALLAHAN  
TIA W. CAPHART  
KATHLEEN M. CHUNG  
NIKEYA D. CLARKSON  
ESTILL R. COLLINS, JR.  
HENRY C. COX  
WILLIAM H. DAVIS  
JAMES H. DAY  
JASON T. DEBOER  
ERIK F. DEFREITAS  
GEORGE M. DEGUZMAN  
JESSE DELGADO  
LISA M. DENNIS  
GRACE L. DEWARS  
KEVIN M. DOHERTY  
CHARLES L. DOUGLAS  
SCOTT B. DRIVER  
DEANNA DURAN  
LATAYA E. DUREN  
KENNETH W. EMERSON  
CHRISTOPHER L. EVANS  
JAMES W. FABL  
PEGGY Y. FARLEY  
SCOTT M. FARLEY  
ROBERT P. FEDERIGAN  
JENNIFER A. FILIATREAU  
NICOLE R. FRENCH  
TODD R. FURBACHER  
ROGER I. GARRETT, SR.  
MATTHEW C. GEIMAN  
KRISTINE T. GILLETTE  
MICHELLE L. GLENN  
LAURIE L. GODIN  
CHRISTOPHER M. GREENE  
RYAN GRIPPIN  
MELISSA GUE  
CHRISTOPHER J. GUENTHNER  
JOSHUA J. HANDORF  
ALIDA M. HANNAH  
JAYME K. HANSEN  
MICHAEL HARTENSTINE  
JASON J. HAUKE  
WALTER L. HAWKINS  
RONALD A. HENELY  
DAVID V. HINDMAN  
HEATH D. HOLT  
BRYAN J. HUNSAKER  
LEIF O. IBSEN  
DALMAR A. JACKSON  
ERICA L. JEFFERSON  
DAVID W. JOHNSON  
JACOB D. JOHNSON  
RACQUEL O. JUNIO  
EDWIN KAMAU  
WILLIAM K. KEENER  
GERALD G. KELLAR  
ADAM D. KELLER  
LEIF V. LALONE  
PAUL D. LANG

CHARLOTTE A. LANTERI  
DONG Y. LEE  
RANDOLPH A. LEONPIEVE  
KEVIN R. LESTER  
PAMELA D. LEWIS  
KYLE W. LINDHOLM  
AARON LOZANO  
GORDON J. LYONS  
ALYSON M. MALONE  
ALEXANDER L. MANGINDIN  
ANTHONY J. MARINOS  
LUIS A. MARTINEZ  
TERRY H. MATZ  
JERRY A. MAYERS  
DONALD L. MAZZA  
JOHN MBUE  
VICTORIA M. MCCARTHY  
DANIEL MCHUGH  
DONALD J. MCNEIL  
GABRIEL L. MEDLEY  
MICHELLE G. MEDWICK  
MARIO R. MESA  
DENISE M. MILHORN  
SHANE V. MILLER  
JULIE A. MITCHELL  
ANGELA M. MOBBS  
CHARLES A. MOORE  
JASON P. MORAN  
SCOTT D. MRAS  
CHRISTIAN NELSON  
PETER V. NUNN  
OSCAR A. OCHOA  
CAMPOS R. ORTIZ  
SHERYL E. PEDERSEN  
FRANK A. PETRASSI  
MATTHEW PIERCE  
TONY PIERSON  
DUKE D. POORE  
EDWARD O. PRICE  
BENJAMIN QI  
EDGARDO RAMIREZ  
RICHARD RAMOS  
ERIC D. RHODES  
JENNIE E. RICHEY  
JASON L. RIHA  
MARY I. RIVERACOLON  
LUIS A. ROCHA  
TAMEKA L. ROGERS  
TANNER J. ROY  
STACY RUSHING  
GREGORY A. RUSHTON  
ERIK N. RUSSELL  
ALEX C. SANDERS  
KEITH H. SCHMIDT  
STEPHEN T. SCHMIDT  
DAVID P. SENSIBA  
ALEX SHILMAN  
NAOMI L. SKINNER  
KYLE A. SMITH  
LARRY N. SMITH  
NICHOLAS R. SONG  
MOISES SOTO  
ANTHONY J. SPEARS  
KIMBERLY A. SPECK  
STEPHEN R. SPULICK  
MARTHA A. STANY  
ALAN H. STOREY, JR.  
SETH O. SWARTZ  
MICHAEL TAYE  
JOHN W. TAYLOR  
LINDSAY A. TEPLESKY  
FRED B. TERRADO, JR.  
CHARLES M. TESSMAN, SR.  
FELICIA L. THOMAS  
NICOLE A. THOMAS  
REYNALDO M. TORRES  
KRISTINE TOWNSEND  
BRIAN C. TRIPP  
WALTER J. UNRUH  
JERRY D. VANVACTOR  
JANET N. VAUGHN  
ANGELA L. VENEY  
CHAD D. VERMILLION  
HILDEHARDO F. VIADO, JR.  
SCOTT L. VIAL  
RORY K. WALLEY  
CHRISTOPHER J. WASHACK  
LASHONIA R. WHITE  
KELLY W. WILHELMS  
JEFFREY A. WYATT  
JASON R. YELLMAN  
RU Z. ZHAO  
D006694  
D010299

#### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be captain*

VICTOR JOHN CATULLO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be commander*

WILLIAM A. MIX

##### *To be lieutenant commander*

MATTHEW L. HEARP  
JOHN H. STEELY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be captain*

RONALD K. BACH  
TODD A. ZVORAK

##### *To be commander*

JOHN F. DEZZANI  
JOSEPH J. MCINERNEY

##### *To be lieutenant commander*

CHRISTOPHER S. FRONK  
WALDEMAR A. KILIAN  
ELISABET PRIETO  
ANTHONY R. RANESSES  
ANNA A. ROSS

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, September 16, 2010:

#### FARM CREDIT ADMINISTRATION

JILL LONG THOMPSON, OF INDIANA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2014.

#### TENNESSEE VALLEY AUTHORITY

MARILYN A. BROWN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012.  
WILLIAM B. SANSOM, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014.  
NEIL G. MCBRIDE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013.  
BARBARA SHORT HASKEW, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014.

#### PENSION BENEFIT GUARANTY CORPORATION

JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

#### EXECUTIVE OFFICE OF THE PRESIDENT

CARL WIEMAN, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

#### UNITED STATES POSTAL SERVICE

DENNIS J. TONER, OF DELAWARE, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2012.

#### DEPARTMENT OF AGRICULTURE

ELISABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

#### FARM CREDIT ADMINISTRATION

SARA LOUISE FAIVRE-DAVIS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

MYLES J. WATTS, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

#### DEPARTMENT OF AGRICULTURE

CATHERINE E. WOTEKI, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

#### DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

#### UNITED STATES PAROLE COMMISSION

J. PATRICIA WILSON SMOOT, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

#### ASIAN DEVELOPMENT BANK

ROBERT M. ORR, OF FLORIDA, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

#### BROADCASTING BOARD OF GOVERNORS

RICHARD M. LOBO, OF FLORIDA, TO BE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU, BROADCASTING BOARD OF GOVERNORS.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

MIMI E. ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARK FEIERSTEIN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

#### DEPARTMENT OF COMMERCE

MICHAEL C. CAMUNEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

#### FEDERAL HOSPITAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

#### FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

#### FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

#### FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.